

By M. M. Hurd

S.B. No. 849

A BILL TO BE ENTITLED

AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners. Each owner, operator or manager of a barber shop that is first opened for business hereafter shall within three days after the opening of such shop submit an application to the barber board for a barber shop permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede effective administration or enforcement of the laws under their respective jurisdictions[~~7--from-and-after-January-31--1980~~]:

3/30/87  
5/1/87

1 (1) a person licensed by the barber board may practice <sup>1/2</sup>  
2 [~~barbering~~] only at a location for which the board has issued a  
3 barber shop permit, specialty shop permit, barber school or college  
4 permit, or any other permit. If the State Board of Barber  
5 Examiners and the Texas Cosmetology Commission license the same  
6 facility, the board may not adopt rules restricting or prohibiting  
7 the practice by a Class A barber, manicurist, or wig specialist in  
8 the facility; and

9 (2) a person licensed by the cosmetology commission may  
10 practice cosmetology only at a location for which the commission  
11 has issued a beauty shop license, private beauty culture school  
12 license, or any other license. If the State Board of Barber  
13 Examiners and the Texas Cosmetology Commission license the same  
14 facility, the commission may not adopt rules restricting or  
15 prohibiting the practice by a cosmetologist in the facility.

16 SECTION 2. Article 8403, Revised Statutes, is amended to  
17 read as follows:

18 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
19 barber shop, specialty shop, or barber school [~~er--beauty--parlor~~]  
20 shall equip and keep equipped the same with facilities and supplies  
21 and with all such appliances, furnishings and materials as may be  
22 necessary to enable persons employed in and about the same to  
23 comply with the law.

24 SECTION 3. Article 8404, Revised Statutes, is amended to  
25 read as follows:

26 Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner,  
27 operator or manager of a barber shop, specialty shop, or barber <sup>2/3</sup>

1 school [~~er-a-beauty--parlor~~] shall knowingly permit any person  
2 suffering from a communicable skin disease or from a venereal  
3 disease to act as a barber or employee [~~employee~~] or work or be  
4 employed in the [~~said~~] shop or school [~~parlor~~]. No person who to  
5 his own knowledge is suffering from a communicable disease or from  
6 venereal disease shall act as a barber or work or be employed in a  
7 [~~said~~] shop or school [~~parlor~~].

8 SECTION 4. Article 8405, Revised Statutes, is amended to  
9 read as follows:

10 Art. 8405. CLEANLINESS. Every person in charge of a barber  
11 shop, specialty shop, or barber school [~~beauty--parlor~~] shall keep  
12 said shop or school [~~parlor~~] and all furniture, tools, appliances  
13 and other equipment used therein at all times in a cleanly  
14 condition, and shall cause all combs, hair brushes, hair dusters  
15 and similar articles used therein to be washed thoroughly at least  
16 once a day and to be kept clean at all times, and shall cause all  
17 mugs, shaving brushes, razors, shears, scissors, clippers and  
18 tweezers used therein to be sterilized at least once after each  
19 time used as hereinafter provided. The term "persons affected by  
20 this chapter" shall include any person working or employed in a  
21 barber shop, specialty shop, or barber school [~~beauty--parlor~~] or  
22 acting as a barber, wig [~~beauty~~] specialist or manicurist. Every  
23 barber or other person affected by this chapter, immediately after  
24 using a mug, shaving brush, razor, scissors, shears, clippers, or  
25 tweezers, for the service of any person, shall sterilize the same  
26 by immersing it in boiling water for not less than a minute, or in <sup>3/4</sup>  
27 the case of a razor, scissors, shears or tweezers, by immersing it

1 for not less than ten minutes in a five per cent aqueous solution  
2 of carbolic acid. No barber or other person affected by this  
3 chapter shall:

4 1. Use for the service of any customer a comb, hair brush,  
5 hair duster or any similar article that is not thoroughly clean,  
6 nor any mug, shaving brush, razor, shears, scissors, clippers, or  
7 tweezers, that are not thoroughly clean or that have not been  
8 sterilized since last used.

9 2. Serve any customer unless he shall immediately before  
10 such service cleanse his hands thoroughly.

11 3. Use for the service of a customer any towel or wash cloth  
12 that has not been boiled and laundered since last used.

13 4. To stop the flow of blood use the same piece of alum or  
14 other material for more than one person.

15 5. Shave any person when the surface to be shaved is  
16 inflamed or broken out or contains pus, unless such person be  
17 provided with a cup, razor and lather brush for his individual use.

18 6. Permit any person to use the head rest of any barber's  
19 chair under his control until after the head rest has been covered  
20 with a towel that has been washed and boiled since having been used  
21 before, or by clean new paper or similar clean substance.

22 7. Use a powder puff or a sponge in the service of a  
23 customer unless it has been sterilized since last used.

24 8. Use a finger bowl unless it has been sterilized since  
25 last used and fresh water or other liquid placed therein.

26 9. Serve a customer without the use of a sanitized neck  
27 strip, cloth towel, or paper towel between the customer and the

1 chair cloth.

2 10. Bring an animal into a shop or school, or allow an  
3 animal to remain in a shop or school, unless the animal is a  
4 trained dog used to assist a handicapped person or is used as a  
5 guard dog for security purposes.

6 SECTION 5. Article 8406, Revised Statutes, is amended to  
7 read as follows:

8 Art. 8406. NO PLACE TO SLEEP. (a) No owner or manager of  
9 any barber shop, specialty shop, or barber school [~~beauty--parlor~~]  
10 shall permit any person to sleep in any room used wholly or in part  
11 as such shop or school [~~parlor~~], and no person shall pursue the  
12 barber business or be employed in a barber shop, specialty shop, or  
13 barber school [~~beauty-parlor~~] in any room used as [a] sleeping  
14 quarters [~~apartment~~].

15 (b) If located in the same building with any business other  
16 than a beauty salon, a barber shop, specialty shop, or barber  
17 school must be separated from the other business by a solid wall  
18 and must have a separate entrance.

19 SECTION 6. Section 2, Chapter 65, Acts of the 41st  
20 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 2. Unless [~~From-and-after-the-effective--date--of--this~~  
23 ~~Act--unless~~] duly licensed and registered in accordance with all  
24 laws of this state regulating the practice of barbering, no person  
25 shall:

26 (a) practice, continue to practice, offer, or attempt to  
27 practice barbering or any part thereof;

1 (b) directly or indirectly, employ, use, cause to be used,  
2 or make use of any of the following terms or any combinations,  
3 variations, or abbreviations thereof, as a professional, business,  
4 or commercial identification, title, name, representation, claim,  
5 asset, or means of advantage or benefit: "barber," "barbering,"  
6 "barber school," "barber college," "barber shop," "barber salon,"  
7 or "specialty shop"; or

8 (c) directly or indirectly, employ, use, cause to be used,  
9 or make use of any letter, abbreviation, word, symbol, slogan,  
10 sign, or any combination or variation thereof, which in any manner  
11 whatsoever tends or is likely to create any impression with the  
12 public or any member thereof that any person is qualified or  
13 authorized to practice barbering or own or manage any barber shop,  
14 specialty shop, or barber school or college.

15 SECTION 7. Section 4, Chapter 65, Acts of the 41st  
16 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
17 Texas Civil Statutes), is amended to read as follows:

18 Sec. 4. DEFINITIONS. In this Act, unless the context  
19 otherwise requires:

20 (a) "barber" shall mean any person who performs, offers, or  
21 attempts to perform any act of barbering, professes to do barbering  
22 or to be engaged in the practice thereof, or who directly or  
23 indirectly or in any manner whatsoever advertises or holds himself <sup>6/7</sup>  
24 out as a barber or as authorized to practice barbering;

25 (b) "barbering," "practicing barbering," or the "practice of  
26 barbering" shall mean the performing or doing, or offering or  
27 attempting to do or perform, any, all or any combination of the

1 following acts, services, works, treatments, or undertakings:

2 (1) arranging, beautifying, coloring, processing, shaving,  
3 styling, or trimming the mustache or beard by any means or method;

4 (2) arranging, beautifying, bleaching, cleansing, coloring,  
5 curling, dressing, dyeing, processing, shampooing, shaping,  
6 singeing, straightening, styling, tinting, waving, or otherwise  
7 treating the hair as primary services, treatments, or undertakings  
8 by any means or method, including any bobbing, clipping, cutting,  
9 or trimming of the hair as a necessary incident preparatory or  
10 ancillary to such primary services;

11 (3) cutting the hair as a primary service, treatment, or  
12 undertaking and not as a necessary incident preparatory or  
13 ancillary to those primary services enumerated in Section 4(b)(2),  
14 or primarily engaging in the occupation of cutting hair or  
15 practicing primarily as a haircutter by cutting hair as a separate  
16 and independent service, treatment, or undertaking for which  
17 haircut a charge is made, as such, separate and apart from any  
18 other service, treatment, or undertaking, directly or indirectly,  
19 or in any manner whatsoever;

20 (4) cleansing, stimulating, or massaging the scalp, face,  
21 neck, arms, shoulders, or that part of the body above the  
22 shoulders, by means of the hands, devices, apparatuses, or <sup>7/8</sup>  
23 appliances, with or without the use of cosmetic preparations,  
24 antiseptics, tonics, lotions, or creams;

25 (5) beautifying the face, neck, arms, shoulders, or that  
26 part of the body above the shoulders, by the use of cosmetic  
27 preparations, antiseptics, tonics, lotions, powders, oils, clays,

1 creams, or appliances;

2 (6) cutting, trimming, polishing, tinting, coloring,  
3 cleansing, [~~or~~] manicuring, or pedicuring the nails of any person  
4 or attaching false nails;

5 (7) massaging, cleansing, treating, or beautifying the hands  
6 of any person;

7 (8) administering facial treatments;

8 (9) hair weaving;

9 (10) shampooing or conditioning hair;

10 (11) servicing a wig, toupee, or artificial hairpiece on a  
11 human head or on a block, subsequent to the initial retail sale by  
12 any of the acts, services, works, treatments, or undertakings  
13 enumerated in Section 4(b)(2) of this Act;

14 (12) advertising or holding out to the public by any manner  
15 whatsoever that any person is a barber or authorized to practice  
16 barbering;

17 (13) advertising or holding out to the public by any manner  
18 whatsoever that any location or place of business is a barber shop,  
19 barber school, barber college, or barber salon;

20 (14) receiving any fee, salary, compensation, or financial  
21 benefit, or the promise of any fee, salary, compensation, or <sup>8/9</sup>  
22 financial benefit, for performing, doing, offering, or attempting  
23 to perform or do any act, work, service, or thing, which is any  
24 part of the practice of barbering as herein defined;

25 ~~(e)~~ ~~(s)~~ *Insert Floor Am. AD* "barber shop" or "barber salon" shall mean any place  
26 where barbering is practiced, offered, or attempted to be practiced  
27 except when such place is duly licensed as a barber school or



1 college;

2 (f) ~~(d)~~ "board" shall mean the State Board of Barber Examiners  
3 as established and provided for in the Texas Barber Law;

4 (g) ~~(e)~~ "certificate" shall mean a certificate of registration  
5 issued by the board in accordance with the provisions of this Act;

6 (h) ~~(f)~~ "license" shall mean any license issued by the board in  
7 accordance with the provisions of this Act;

8 (i) ~~(g)~~ "manager" shall mean any person who controls or directs  
9 the business affairs of a barber shop or directs the work of a  
10 person employed in a barber shop or both;

11 (j) ~~(h)~~ "permit" shall mean any permit issued by the board in  
12 accordance with the provisions of this Act;

13 (k) ~~(i)~~ "person" shall mean any individual, association, / firm, <sup>9/10</sup>  
14 corporation, partnership, or other legal entity.

15 (l) ~~(j)~~ In addition to the foregoing definitions, the board  
16 shall have authority to define by rule any words or terms necessary  
17 in the administration or enforcement of this Act.

18 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
19 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
20 Texas Civil Statutes), is amended to read as follows:

21 <sup>EXEMPTIONS.</sup> Sec. 6. <sup>^</sup> The following persons shall be exempt from the  
22 provisions of this Act, provided such persons are not represented,  
23 advertised, or held out to the public, directly or indirectly, or  
24 in any manner whatsoever, as barbers, journeymen barbers, barber  
25 technicians or under any name, title, or designation indicating  
26 such person is authorized to practice by authority of any license  
27 or permit issued by the board:

1 (a) physicians, osteopaths, and registered nurses licensed  
2 and regulated by the State of Texas while operating within the  
3 scope of the license;

4 (b) commissioned or authorized medical or surgical officers  
5 of the United States Army, Navy, or Marine Hospital Service;

6 (c) persons licensed or practicing by authority of the Texas  
7 Cosmetology Commission under the provisions of Chapter 1036, Acts  
8 of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
9 Vernon's Texas Civil Statutes), so long as such persons practice  
10 within the scope of the license or permit duly issued by the Texas  
11 Cosmetology Commission.

12 SECTION 9. Section 7, Chapter 65, Acts of the 41st<sup>10/11</sup>  
13 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 7. The following shall be considered as minimum  
16 evidence satisfactory to the board that an applicant is qualified  
17 for registration as a Class A registered barber:

18 (a) being at least 16 [~~16~~-1/2] years of age;

19 (b) successfully passing a written and practical examination  
20 demonstrating to the satisfaction of the board the applicant's  
21 fitness and competence to practice the art and science of  
22 barbering.

23 SECTION 10. Section 9, Chapter 65, Acts of the 41st  
24 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
25 Texas Civil Statutes), is amended to read as follows:

26 Sec. 9. (a) Any person desiring to conduct or operate a  
27 barber school or college in this state shall first obtain a permit

1 from the board after demonstrating that said school or college has  
2 first met the requirements of this section. Said permit shall be  
3 prominently displayed at all times at such school or college. [Ne  
4 such-school-or-college-shall-be--approved--unless--such--school--or  
5 college--requires--as--a--prerequisite--to--graduation--a-course-of  
6 instruction-of-not-less-than--1,500--hours--as--determined--by--the  
7 board,--to--be--completed--within--a--period--of-not-less-than-nine  
8 months,--for-a-Class-A-certificate,--and-at-least-800-hours--of--such  
9 course--of--instruction--shall-be-in-the-actual-practice-of-cutting  
10 hair-as-a-primary-service-in-accordance--with--the--definition--set  
11 forth--in--Section--4(b)(3)-of-this-Aet.] No certificate or permit <sup>1/2</sup>  
12 shall be issued as provided for herein to an applicant to be a  
13 student in such a school or college unless said applicant has  
14 completed at least a seventh grade education and such other  
15 requirements as shall be specified by the board. The board may not  
16 approve a barber school or college unless the school or college  
17 requires the following hours of instruction as a prerequisite for  
18 graduation:

19 (1) Class A barber--1,500 hours of instruction completed in  
20 a course of not less than nine months, with not less than 800 hours  
21 in the actual practice of cutting hair as a primary service;

22 (2) barber technician--150 hours of instruction completed in  
23 a course of not less than four weeks;

24 (3) wig instructor--200 hours of instruction completed in a  
25 course of not less than eight weeks;

26 (4) wig specialist--300 hours of instruction completed in a  
27 course of not less than eight weeks;

1        (5) manicurist--150 hours of instruction completed in a  
2        course of not less than four weeks; and

3        (6) teacher--1,000 hours of instruction completed in a  
4        course of not less than six months. [Provided, however,--that--any  
5        person--licensed--as--a--Class--A--registered--barber--or--registered  
6        assistant--barber--as--of--the--effective--date--of--this--Act--shall--be  
7        considered--qualified--to--perform--any--acts--or--services--within--the  
8        scope--of--the--definition--of--barbering--and--shall--be--entitled--to--any  
9        or--all--licenses,--certificates,--or--permits--which--the--board--is  
10       authorized--to--issue--on--payment--of--the--required--fees--but--without <sup>12/</sup>  
11       meeting--further--educational--or--experience--requirements.] <sub>13</sub>

12       (b) If a school or college offers a refresher course, that  
13       course must require at least 300 hours of instruction. The Board  
14       by rule shall set the curriculum for a refresher course.

15       (c) Such schools or colleges shall instruct students in the  
16       theory and practice of such subjects as may be necessary and  
17       beneficial in the practice of barbering, including the following:  
18       scientific fundamentals of barbering; hygienic bacteriology,  
19       histology of the hair, skin, muscles, and nerves; structure of the  
20       head, neck and face; elementary chemistry relating to sterilization  
21       and antiseptics; common disorders of the skin and hair; massaging  
22       muscles of the scalp, face, and neck; hair-cutting; shaving,  
23       shampooing, and bleaching and dyeing of the hair; manicuring,  
24       administering facial treatments, hair weaving, servicing wigs, or  
25       any other skills, techniques, services, treatments, or undertakings  
26       within the definition of the practice of barbering provided for in  
27       this Act.

1           (d) [~~e~~] No barber school or college which issues "Class A"  
2 certificates shall be approved by the Board for the issuance of a  
3 permit unless said school or college has the following:

4           (1) An adequate school site housed in a substantial building  
5 of a permanent-type construction containing a minimum of not less  
6 than two thousand, eight hundred (2,800) square feet of floor  
7 space. Such space shall be divided into the following separate  
8 departments: a senior department, a junior department, a class  
9 theory room, a supply room, an office space, a dressing and cloak<sup>13/14</sup>  
10 room, and two (2) sanitary, modern separate rest rooms, equipped  
11 with one (1) commode each and a urinal in one (1) rest room.

12           (2) A hard-surface floor covering of tile or other suitable  
13 material.

14           (3) A minimum of twenty (20) modern barber chairs with  
15 cabinet and mirror for each chair.

16           (4) One (1) lavatory in back of each two (2) chairs.

17           (5) A liquid sterilizer for each chair.

18           (6) An adequate number of latherizers, vibrators, and hair  
19 dryers for the use of students.

20           (7) Adequate lighting of all rooms.

21           (8) At least twenty (20) classroom chairs, a blackboard,  
22 anatomical charts of the head, neck and face, and one (1) barber  
23 chair in the class theory room.

24           (9) A library and library facilities available to students,  
25 containing a medical dictionary and a standard work on the human  
26 anatomy.

27           (10) Adequate drinking fountain facilities, but at least one

1 (1) to each floor.

2 (11) Adequate toilet facilities for the students.

3 (12) Adequate fire-fighting equipment to be maintained in  
4 case of emergency.

5 (e) [~~(d)~~] Anything to the contrary in this Act  
6 notwithstanding, each such school shall place a sign on the front  
7 outside portion of its building in a prominent place. Such sign  
8 shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum <sup>17/15</sup>  
9 size of ten-inch block letters. Printed signs containing the  
10 foregoing information shall be prominently displayed upon each  
11 inside wall of the establishment.

12 (f) [~~(e)~~] A minimum of five (5) hours a [~~one-hour-periods-of~~  
13 ~~each~~] week must [~~shall~~] be devoted to the instruction of theory in  
14 the classroom, with Saturdays [~~being~~] devoted exclusively to  
15 practical work over the chair. If classes are conducted five (5)  
16 days a week, one (1) hour each day must be devoted to instruction  
17 in theory. If classes are conducted four (4) days a week, one (1)  
18 hour and fifteen (15) minutes each day must be devoted to  
19 instruction in theory. An attendance record book must be  
20 maintained by the school showing a record of the students' daily  
21 attendance. These records are subject to inspection at any and all  
22 times by the Board.

23 (g) [~~(f)~~] No barber school or college which issues "Class A"  
24 certificates shall be approved by the Board unless it is under the  
25 direct supervision and control of a barber who holds a current  
26 registered "Class A" certificate to practice barbering under the  
27 Texas Barber Law, and who can show evidence of at least five (5)

1 years experience as a practicing barber. Each school shall have at  
2 least one (1) teacher who has a teacher's certificate issued by the  
3 Board upon examination and who is capable and qualified to teach  
4 the curriculum outlined herein to the students of such school. All  
5 such teachers are required to obtain a teacher's certificate from  
6 the Board and, in addition to requirements set forth by the Board,  
7 must meet the following requirements: 15/16

8 (1) Demonstrate their ability to teach the said curriculum  
9 outlined herein through a written and practical test to be given by  
10 the Board.

11 (2) Hold a current certificate as a registered "Class A"  
12 barber under this law.

13 (3) Demonstrate to the Board that such applicant is  
14 qualified to teach and instruct, to be determined at the discretion  
15 of the Board, and show evidence that the applicant has had at least  
16 six (6) months experience as a teacher in an approved school or  
17 college in Texas or in another state approved by the Board, or have  
18 completed 1,000 hours of instruction in a [six-month] postgraduate  
19 course as a student teacher in an approved barber school or college  
20 in Texas.

21 (h) A licensed barber who presents evidence satisfactory to  
22 the Board of at least five (5) years' experience as a practicing  
23 barber in a barber shop operating under a permit issued by the  
24 Board, with not less than two (2) years' experience occurring in  
25 the period immediately before application, is also entitled to  
26 apply to take the examination for a teacher's certificate.  
27 Applicants desiring an examination for a teacher's certificate

1 shall make an application to the Board and accompany same with an  
2 examination fee not to exceed \$70. A new application and fee must  
3 be presented for each examination taken by the applicant and fees  
4 paid are not refundable. A teacher's certificate shall be issued  
5 upon satisfactory completion of the examination and payment of a  
6 certificate fee not to exceed \$70 if the applicant fulfills the <sup>16/17</sup>  
7 requirements during the period from November 1 of an odd-numbered  
8 year and extending through October 31 of the following  
9 even-numbered year or not to exceed \$35 if the applicant fulfills  
10 the requirements during the period from November 1 of an  
11 even-numbered year and extending through October 31 of the  
12 following odd-numbered year. Teacher's certificates shall be  
13 renewed biennially on or before November 1st of odd-numbered years  
14 upon the payment of a renewal fee not to exceed \$70.

15 (i) [~~g~~] In addition to a minimum of one (1) teacher  
16 required in paragraph (3) above, each barber school or college  
17 which issues "Class A" certificates shall maintain at least one (1)  
18 qualified instructor, holding a registered "Class A" certificate,  
19 for each twenty (20) students or any fraction thereof for  
20 instruction in practical work; provided, however, that a teacher  
21 can also serve as an instructor in practical work in addition to  
22 his position as a theory teacher. A barber school or college may  
23 enroll one (1) student teacher for each licensed teacher who  
24 teaches at the school or college. A student teacher must  
25 concentrate on teaching skills, and may not be booked with  
26 customers. Violation of this requirement constitutes a ground for  
27 the revocation of the person's student teacher barber license.



1        (j) [~~(h)~~] No barber school or college shall be issued a  
2 permit to operate under the provisions of this Section until it has  
3 first furnished the following evidence to the Board:

4        (1) A detailed drawing and chart of the proposed physical  
5 layout of such school, showing the departments, floor space, <sup>17/18</sup>  
6 equipment, lights and outlets.

7        (2) Photographs of the proposed site for such school  
8 including the interior and exterior of the building, rooms and  
9 departments.

10       (3) A detailed copy of the training program.

11       (4) A copy of the school catalog and promotional literature.

12       (5) A copy of the building lease or proposed building lease  
13 where the building is not owned by the school or college.

14       (6) A sworn statement showing the true ownership of the  
15 school or college.

16       (7) A permit fee not to exceed \$1,000.

17       (k) No such school or college shall be operated and no  
18 students shall be solicited or enrolled by it until the Board shall  
19 determine that the school has been set up and established in  
20 accordance with this Section and the proposal submitted to the  
21 Board and approved by it prior to the issuance of a permit. Any  
22 such school or college must obtain renewal of its certificate by  
23 September 1st each year by the payment of an annual renewal fee not  
24 to exceed \$300.

25       (l) [~~(i)~~] When a barber school or college changes ownership,  
26 the Board shall be notified of the transfer within ten (10) days  
27 from the date of such change.

1           (m) [~~h~~] Any school or college desiring to change the  
2 location of such school or college must first obtain approval by  
3 the Board by showing that the proposed location meets the  
4 requirements of this Section. 18/19

5           (n) [~~h~~] If said Board refuses to issue a permit to any  
6 such school or college, such school or college may by written  
7 request demand the reasons for said refusal and if said school or  
8 college shall thereupon meet said requirements and makes a showing  
9 that the requirements of this law have been complied with, then if  
10 said Board refuses to issue said permit, a suit may be instituted  
11 by such school or college in any of the District Courts of Travis  
12 County, Texas, to require said Board to issue such permit. Any  
13 such suit must be filed within twenty (20) days after the final  
14 order of said Board refusing to issue such permit is entered,  
15 provided registered notice is mailed or it is otherwise shown that  
16 said school or college has notice within ten (10) days from the  
17 entering or making of said order.

18           (o) [~~h~~] In the event such school or college after a permit  
19 is issued to it violates any of the requirements of this law,  
20 either directly or indirectly, then said Board shall suspend or  
21 revoke the permit of any such school or college. Before suspending  
22 or revoking any such permit, said Board must give such school or  
23 college a hearing, notice of which hearing shall be delivered to  
24 such school or college at least twenty (20) days prior to the date  
25 of said hearing. If said Board suspends or revokes said permit at  
26 said hearing, then such school or college may file suit to prevent  
27 the same or to appeal from said order. Any and all suits filed

1 hereunder shall be filed within twenty (20) days from the date of  
2 the order of said Board in any of the District Courts of Travis  
3 County, Texas, and not elsewhere, and the order shall not become <sup>19/20</sup>  
4 effective until said twenty (20) days has expired.

5 (p) [~~m~~] The Attorney General or any District or County  
6 Attorney may institute any injunction proceedings or such other  
7 proceeding as to enforce the provisions of this Act, and to enjoin  
8 any barber, assistant barber, or school or college from operating  
9 without having complied with the provisions hereof, and each shall  
10 forfeit to the State of Texas the sum of Twenty-five Dollars (\$25)  
11 per day as a penalty for each day's violation, to be recovered in a  
12 suit by the District or County Attorney, and/or the Attorney  
13 General.

14 SECTION 11. Section 13, Chapter 65, Acts of the 41st  
15 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
16 Texas Civil Statutes), is amended to read as follows:

17 Sec. 13. Any person who is at least sixteen [~~and-one-half~~]  
18 years of age, and who has a diploma showing graduation from a  
19 seven-grade grammar school, or its equivalent as determined by an  
20 examination conducted by the Board, and either

21 (a) Has a license or certificate of registration as a  
22 practicing barber from another State or country, which has  
23 substantially the same requirements for licensing or registering  
24 barbers as required by this Act, or

25 (b) Who can prove by personal affidavit that he has  
26 practiced as a barber in another State for at least two years  
27 immediately prior to making application in this State, and who

1 possesses the qualifications required by this Act, shall, upon  
2 payment of the required fee, be issued a permit to practice as a <sup>20/21</sup>  
3 journeyman barber only until he is called by the Board of Barber  
4 Examiners to determine his fitness to receive a certificate of  
5 registration to practice barbering. Should such applicant fail to  
6 pass the required examination he shall be allowed to practice as a  
7 journeyman barber until he is called by the Board for the next term  
8 of examination. Should he fail at the examination he must cease to  
9 practice barbering in this State.

10 SECTION 12. Section 14, Chapter 65, Acts of the 41st  
11 Legislature, 1st Called Session, 1929, <sup>is amended</sup> (Article 8407a, Vernon's  
12 Texas Civil Statutes), is amended to read as follows:

13 Sec. 14. (a) Any person [~~assistant-barber~~] who is at least  
14 sixteen [~~and--one-half~~] years of age and who has a diploma showing  
15 graduation from a seventh grade grammar school, or an equivalent  
16 education as determined by [~~an-examination-conducted-by~~] the Board,  
17 and who has [~~a-certificate-of-registration-as-an-assistant-barber~~  
18 ~~in-a-State-or-country-which-has-substantially-the-same-requirements~~  
19 ~~for-registration-as-an-assistant-barber-as-is-provided-for-by--this~~  
20 ~~Act,--shall--upon-payment-of-the-required-fee-be-issued-a-permit-to~~  
21 ~~work-as-an-assistant-barber-until-called-by-the-Board-of--Examiners~~  
22 ~~for--examination--to-determine-his-fitness-to-receive-a-certificate~~  
23 ~~of-registration-as-an-assistant-barber,--Should-such-person-be-able~~  
24 ~~to-pass-the-required-examination,--he-will-be-issued--a--certificate~~  
25 ~~of-registration-as-a-registered-assistant-barber,--and-that-the-time~~  
26 ~~spent--in--such-other-State-or-country-as-an-assistant-barber-shall~~  
27 ~~be-credited-upon-the-period-of-assistant-barber--required--by--this~~

1 Act--as--a--qualification--to--take--the--examination--to--determine--his <sup>21/22</sup>  
2 fitness--to--receive--a--certificate--of--registration--as--a--registered  
3 barber-

4 [(b)--Any-person-who-has] spent at least 30 working days at a  
5 licensed barber school or college as a barber's technician  
6 including the study of shampooing, shampoos, manipulations, making  
7 appointments, preparing patrons, sterilizing tools, and the study  
8 of sterilization and the barber laws is entitled to a license as a  
9 barber technician on satisfactory completion of an examination  
10 prescribed by the Board [~~may-be-licensed-to-practice-as-a--barber's~~  
11 ~~technician~~].

12 (b) Any licensed barber's technician may assist the barber  
13 in shampooing and sterilizing in a barber shop and shall work under  
14 the personal supervision of a registered Class A barber.

15 SECTION 13. Section 15, Chapter 65, Acts of the 41st  
16 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
17 Texas Civil Statutes), is amended to read as follows:

18 Sec. 15. (a) A person holding a manicurist specialty  
19 license issued by the board may perform for compensation only the  
20 practice of barbering defined in Section 4(b)(6) and Section  
21 4(b)(7) of this Act.

22 (b) An applicant for a manicurist specialty license must be  
23 at least 16 years of age, have completed the seventh grade or its  
24 equivalent, and have completed 150 hours instruction in manicuring.

25 (c) The application shall be made on a form prescribed by  
26 the board and a \$5 [~~manicurist~~] administration fee must accompany  
27 the application. The application and fee shall be filed at least <sup>22/23</sup>

1 10 days prior to the date set for the examination.

2 (d) The applicant is entitled to a manicurist specialty  
3 license if such applicant possesses the qualifications enumerated  
4 in Section 15(b), satisfactorily completes the examination, pays a  
5 license fee not to exceed \$30, and has not committed an act which  
6 constitutes grounds for denial of a license under this Act.

7 SECTION 14. Chapter 65, Acts of the 41st Legislature, 1st  
8 Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's Texas Civil  
9 Statutes), is amended by adding Section 15A to read as follows:

10 Sec. 15A. (a) Except as provided by Subsection (b) of this  
11 section, a person may not own, operate, or manage a manicurist  
12 specialty shop unless the person holds a manicurist specialty shop  
13 permit issued by the board. A person may operate under a temporary  
14 permit issued by the board until a permanent permit is issued.

15 (b) Not later than the third day after the date on which a  
16 person opens a manicurist specialty shop, the person must submit a  
17 written application to the board for a temporary permit. The  
18 application must be accompanied by an inspection fee set by the  
19 board in an amount not to exceed \$50. The application must include  
20 the address of the shop, a legal description of the premises for  
21 which the permit is sought, and any other information required by  
22 the board.

23 (c) The board shall issue a permanent manicurist specialty  
24 shop permit to an applicant who holds a valid manicurist specialty  
25 license and whose shop meets:

26 (1) the minimum health standards required by the Texas  
27 Department of Health for manicurist specialty shops, as determined

1 by a board inspection; and

2 (2) any additional requirements imposed by board rule.

3 (d) A person who holds a manicurist specialty shop permit  
4 may maintain an establishment in which only the practice of  
5 barbering, as defined by Subdivision (6) or (7), Section 4(b), of  
6 this Act, is performed for compensation. A manicurist specialty  
7 shop may be operated only under the direction of a person who holds  
8 a valid manicurist specialty license.

9 (e) The holder shall display the permit in a conspicuous  
10 place in the shop for which the permit is issued. A permit issued  
11 under this section is not transferable. If the ownership of a  
12 manicurist specialty shop is transferred to another person, the  
13 shop may continue in operation if the new owner applies for and  
14 obtains a new permit not later than the 30th day after the date on  
15 which ownership is transferred.

16 (f) A person who holds a license, permit, or certificate  
17 issued by the Texas Cosmetology Commission may not practice under  
18 that authority at a manicurist specialty shop regulated under this  
19 Act.

20 (g) A permit issued under this section expires July 1 of  
21 each odd-numbered year. A holder may renew the permit by  
22 submitting a renewal application to the board, accompanied by a  
23 renewal fee set by the board not to exceed \$50.

24 (h) A holder of a permit issued under this section may move  
25 the manicurist specialty shop to a different location if the holder  
26 receives board approval of the new location. The holder must  
27 notify the board of the move not later than the 10th day before the

1 date on which the move is scheduled to occur.

2 SECTION 15. Section 16, Chapter 65, Acts of the 41st  
3 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
4 Texas Civil Statutes), is amended to read as follows:

5 Sec. 16. (a) A person holding a wig specialist license  
6 issued by the board may perform for compensation only the practice  
7 of barbering defined in Section 4(b)(11) of this Act.

8 (b) An applicant for a wig specialist license must be at  
9 least 16 years of age, have completed the seventh grade or its  
10 equivalent, and have completed 300 hours of instruction in the care  
11 and treatment of wigs.

12 (c) The application shall be made on a form prescribed by  
13 the commission and a \$5 administration fee must accompany the  
14 application. The application and fee must be filed at least 10  
15 days prior to the date set for the examination.

16 (d) The applicant is entitled to a wig specialist license if  
17 he possesses the qualifications enumerated in Subsection (b) of  
18 this section, satisfactorily completes the examination, pays a  
19 license fee not to exceed \$30, and has not committed an act which  
20 constitutes grounds for revocation of a license under this Act.

21 [~~(e) -- Any person who at the time this Act takes effect holds~~  
22 ~~a --- cosmetology --- license --- or --- manieurist --- license --- issued --- by --- the~~  
23 ~~cosmetology --- commission --- may --- make --- application --- for --- and --- upon --- paying --- the~~ <sup>25/26</sup>  
24 ~~fee --- be --- granted --- a --- manieurist --- license --- by --- the --- barber --- board --- without~~  
25 ~~examination. ]~~

26 SECTION 16. Section 18, Chapter 65, Acts of the 41st  
27 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's



1 Texas Civil Statutes), is amended to read as follows:

2 *Insert Com. am. # 0*  
2 ~~Sec. 18. (a) Except as provided by Subsection (b) of this~~  
3 ~~section, a person may not own, operate, or manage a manicurist wig~~  
4 ~~shop unless the person holds a manicurist specialty shop permit~~  
5 ~~issued by the board. A person may operate under a temporary permit~~  
6 ~~issued by the board until a permanent permit is issued. [A--person~~  
7 ~~holding--a--wig--salon--license--issued--by--the--board--may--maintain--an~~  
8 ~~establishment--in--which--only--the--practice--of--barbering--as--defined--in~~  
9 ~~Section 4(b)(1) of this Act is performed for compensation.]~~

10 (b) Not later than the third day after the date on which a  
11 person opens a wig specialty shop, the person must submit a written  
12 application to the board for a temporary permit. The application  
13 must be accompanied by an inspection fee set by the board in an  
14 amount not to exceed \$50. The application must include the address  
15 of the shop, a legal description of the premises for which the  
16 permit is sought, and any other information required by the board.  
17 [An--applicant--for--a--wig--salon--license--shall--submit--an--application  
18 on--a--form--prescribed--by--the--board--The--application--shall--contain  
19 proof--of--the--particular--requisites--for--a--wig--salon--as--established  
20 by--the--board--and--shall--be--verified--by--the--applicant.]

21 (c) The board shall issue a wig specialty shop permit to an  
22 applicant who holds a valid wig specialty license and whose shop  
23 meets:

24 (1) the minimum health standards required by the Texas  
25 Department of Health for wig specialty shops, as determined by a  
26 board inspection; and

27 (2) any additional requirements imposed by board rule. [The

1 applicant-is-entitled-to-a-wig-salon--license--if--the--application  
2 shows--compliance--with--the--rules-and-regulations-of-the-board,-a  
3 license-fee-not-to-exceed-\$50-is-paid,-and-such-applicant--has--not  
4 committed--an--act--which--constitutes--grounds-for-revocation-of-a  
5 license-under-this-Act.]

6 (d) A person who holds a wig specialty shop permit may  
7 maintain an establishment in which only the practice of barbering,  
8 as defined by Section 4(b)(11) of this Act, is performed for  
9 compensation. A wig specialty shop may be operated only under the  
10 direction of a person who holds a valid wig specialty license.

11 (e) The holder shall display the permit in a conspicuous  
12 place in the shop for which the permit is issued. A permit issued  
13 under this section is not transferable. If the ownership of a wig  
14 specialty shop is transferred to another person, the shop may  
15 continue in operation if the new owner applies for and obtains a  
16 new permit not later than the 30th day after the date on which  
17 ownership is transferred.

18 (f) A person who holds a license, permit, or certificate  
19 issued by the Texas Cosmetology Commission may not practice under  
20 that authority at a wig specialty shop regulated under this Act.

21 (g) A permit issued under this section expires July 1 of <sup>27/28</sup>  
22 each odd-numbered year. A holder may renew the permit by  
23 submitting a renewal application to the board, accompanied by a  
24 renewal fee set by the board not to exceed \$50.

25 (h) A holder of a permit issued under this section may move  
26 the wig specialty shop to a different location if the holder  
27 receives board approval of the new location. The holder must

1 notify the board of the move not later than the 10th day before the  
2 date on which the move is scheduled to occur.

3 SECTION 17. Section 18.1, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 Sec. 18.1. (a) A person holding a wig school permit  
7 [~~license~~] issued by the board may maintain an establishment in  
8 which only the practice of barbering as defined in Section 4(b)(11)  
9 of this Act is taught for compensation.

10 (b) An applicant for a wig school permit [~~license~~] shall  
11 submit an application on a form prescribed by the board. The  
12 application shall contain proof of the particular requisites for a  
13 wig school as established by the board and shall be verified by the  
14 applicant.

15 (c) The applicant is entitled to a wig school permit  
16 [~~license~~] if the application shows compliance with the rules and  
17 regulations of the board, a \$100 permit [~~license~~] fee is paid, and  
18 applicant has not committed an act which constitutes grounds for  
19 revocation of a license or permit under this Act.

20 SECTION 18. Section 20, Chapter 65, Acts of the 41st <sup>28/29</sup>  
21 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
22 Texas Civil Statutes), is amended to read as follows:

23 Sec. 20. (a) Each certificate of registration or license  
24 issued under this Act expires two years from the date of issuance.  
25 Each registered Class A barber, barber technician, teacher, wig  
26 instructor, wig specialist, manicurist, or other licensed  
27 specialist who continues in active practice or service must renew

1 the certificate or license on or before the expiration date. The  
2 Board shall issue a renewal certificate or license on receipt of a  
3 renewal application in the form prescribed by the Board,  
4 accompanied by the renewal fee set by the Board in the amount for  
5 an original certificate or license, but not to exceed \$70. [Every  
6 registered--Class--A--barber-and-barber-technician-who-continues-in  
7 active--practice--or--service--shall--renew--his---certificate---of  
8 registration--on--or--before-November-1-of-odd-numbered-years--The  
9 Board-of-Barber-Examiners-shall-issue-the-renewal-certificate--upon  
10 payment--of--a--biennial--renewal--fee--not--to--exceed-\$70--Every  
11 certificate-of-registration-which-has-not--been--renewed--prior--to  
12 that-date-shall-expire-on-November-1-of-that-year.]

13 (b) A Class A registered barber or other licensee, whose  
14 certificate of registration or license has expired, may, within 30  
15 days thereafter, and not later, have his certificate of  
16 registration or license restored by applying to the Board and  
17 paying the biennial renewal fee set by the Board [upon-making-a  
18 satisfactory-showing--to--the--Board,--supported--by--his--personal  
19 affidavit,--which--in--the--opinion--of--the--Board,--will-excuse-the 29/36  
20 applicant-for-having-failed-to-renew--his--certificate--within--the  
21 time-required-by-this-Act].

22 (c) Any registered barber or licensee whose certificate of  
23 registration or license has been expired for not [who-retires--from  
24 the--practice--of--barbering--for-not] more than five (5) years may  
25 reinstate the [renew-his] certificate of registration or license by  
26 making proper showing to the Board, supported by his personal  
27 affidavit, which, in the opinion of the Board, would justify the

1 Board in issuing a certificate or license to such applicant as upon  
2 an original application upon payment of a fee equal to the amount  
3 of the original certificate or license fee, plus a delinquency fee  
4 of \$30 for each year or part of a year that the certificate or  
5 license has been expired [~~not--to--exceed--\$70--if--the--applicant~~  
6 ~~applies--during--the--period--from--November--1--of--an--odd--numbered--year~~  
7 ~~and--extending--through--October--31--of--the--following--even--numbered~~  
8 ~~year--not--to--exceed--\$35--if--the--applicant--applies--during--the--period~~  
9 ~~from--November--1--of--an--even--numbered--year--and--extending--through~~  
10 ~~October--31--of--the--following--odd--numbered--year~~].

11 (d) Any registered barber or licensee who retires from [the]  
12 practice and whose certificate of registration or license has been  
13 expired [~~of--barbering~~] for more than five (5) years may qualify for  
14 a new [~~renew--his~~] certificate of registration or license by making  
15 application to the Board and by making proper showing to the Board,  
16 supported by his personal affidavit, and by paying an examination  
17 fee not to exceed \$70, passing a satisfactory examination conducted  
18 by the Board, and paying the [~~a--license~~] fee for an original <sup>30/31</sup>  
19 certificate of registration or license [~~not--to--exceed--\$50--if--the~~  
20 ~~applicant--fulfills--the--requirements--during--the--period--from--November~~  
21 ~~1--of--an--odd--numbered--year--and--extending--through--October--31--of--the~~  
22 ~~following--even--numbered--year--or--not--to--exceed--\$25--if--the--applicant~~  
23 ~~fulfills--the--requirements--during--the--period--from--November--1--of--an~~  
24 ~~even--numbered--year--and--extending--through--October--31--of--the~~  
25 ~~following--odd--numbered--year~~].

26 SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
27 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's

1 Texas Civil Statutes), is amended to read as follows:

2 Sec. 20a. Any registered barber, [~~registered--assistant~~  
3 ~~barber--or~~] barber technician, teacher, manicurist, or wig  
4 specialist shall not be required to renew his certificate of  
5 registration while serving on active duty in the military, air or  
6 naval forces of the United States, and the Board shall issue a  
7 renewal certificate upon application and payment of a renewal fee  
8 within ninety (90) days from the date such registered barber,  
9 [~~registered--assistant--barber,--or~~] barber technician, teacher,  
10 manicurist, or wig specialist is released or discharged from active  
11 duty in the armed forces. The renewal fee shall be:

12 (1) Ten Dollars (\$10) if the application and payment is made  
13 during the period from November 1 of an odd-numbered year and  
14 extending through October 31 of the following even-numbered year;

15 (2) Five Dollars (\$5) if the application and payment is made  
16 during the period from November 1 of an even-numbered year and  
17 extending through October 31 of the following odd-numbered year. 31/32

18 SECTION 20. Subsections (b) and (c), Section 23, Chapter 65,  
19 Acts of the 41st Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article  
20 8407a, Vernon's Texas Civil Statutes), are amended to read as  
21 follows:

22 (b) The fees to be paid to the Board by an applicant for an  
23 examination to determine his fitness to receive a certificate of  
24 registration to practice barbering[~~7--to-practice--as--an--assistant~~  
25 ~~barber,7~~] or to practice as a barber technician shall be \$10.

26 (c) The fees to be paid to the Board by an applicant who has  
27 satisfactorily passed the examination and complied with the other

1 provisions of this Act to receive a certificate of registration to  
2 practice barbering[~~7--to--practice--as--an--assistant--barber,~~] or to  
3 practice as a barber technician shall be set by the Board in an  
4 amount not to exceed \$70[-

5 [ ~~(1)--an--amount--not--to--exceed--\$70--if--the--applicant--fulfills~~  
6 ~~the--requirements--during--the--period--from--November--1---of---an~~  
7 ~~odd-numbered-year--and--extending--through--October--31--of--the--following~~  
8 ~~even-numbered-year,-or~~

9 [ ~~(2)--an--amount--not--to--exceed--\$35--if--the--applicant--fulfills~~  
10 ~~the--requirements--during--the--period--from--November--1---of---an~~  
11 ~~even-numbered---year--and--extending--through--October--31--of--the~~  
12 ~~following-odd-numbered-year]~~.

13 SECTION 21. Section 24, Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929<sup>, as amended</sup> (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16 Sec. 24. Each of the following offenses shall constitute a <sup>32/</sup><sub>33</sub>  
17 misdemeanor punishable upon conviction in a court of competent  
18 jurisdiction by a fine of not less than twenty-five dollars  
19 (\$25.00) nor more than two hundred dollars (\$200.00).

20 (A) The violation of any of the provisions of Sections 1, 2,  
21 3, and 5 of this Act;

22 (B) Permitting any person in one's employ, supervision or  
23 control to practice as a barber or other licensee [~~as--an--assistant~~  
24 ~~barber,~~] unless that person has a current certificate of  
25 registration issued by the board;

26 (C) Obtaining or attempting to obtain a certificate of  
27 registration by fraudulent representation;

1 (C-1) For anyone who owns, operates or manages a barber  
2 school or college to work a chair or to permit teachers, student  
3 teachers [~~instructors~~], licensed barbers or any one other than an  
4 enrolled student to render barbering services to the public in  
5 their said establishment;

6 (D) The willful failure to display a certificate of  
7 registration as required by Section 19 of this Act.

8 SECTION 22. <sup>Subsection (a),</sup> Section 27a<sup>(a)</sup>, Chapter 65, Acts of the 41st  
9 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
10 Texas Civil Statutes), is amended to read as follows:

11 (a) No barber inspector or other employee of the State Board  
12 of Barber Examiners may sell barber supplies or engage in any other  
13 business which deals directly with barbers, barber shops, specialty  
14 shops, or barber schools except that he may engage in the practice  
15 of barbering.

16 SECTION 23. <sup>Subsection (a),</sup> Section 28<sup>(a)</sup>, Chapter 65, Acts of the 41st  
17 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
18 Texas Civil Statutes), is amended to read as follows:

19 (a) The Texas [~~State~~] Board of Health shall make, establish  
20 and promulgate reasonable sanitary rules and regulations for the  
21 conduct of barber shops, specialty shops, and barber schools. The  
22 State Board of Barber Examiners, by and through the Texas  
23 Department of Health [~~Health--Department-of-the-State-of-Texas~~],  
24 shall have authority, and it is made its duty to enter upon the  
25 premises of all barber shops, specialty shops, barber schools or  
26 any place where any of its licensees are practicing or performing  
27 any service, act or treatment by authority of any license issued by



1 the board and inspect same at any time during business hours. A  
2 copy of such sanitary rules and regulations adopted by the Texas  
3 Board of Health shall be furnished to the Secretary of the State  
4 Board of Barber Examiners who shall in turn forward to each barber,  
5 barber school or licensee of the board a copy of such rules and  
6 regulations. A copy of the sanitary rules and regulations  
7 promulgated and adopted by the Texas [State] Board of Health shall  
8 be posted in barber shops, specialty shops, and barber schools in  
9 this State. Subject only to the authority of the Texas [State]  
10 Board of Health to make and promulgate reasonable rules and  
11 regulations as to sanitation, the State Board of Barber Examiners  
12 shall have full authority and power to make and enforce all rules<sup>34/35</sup>  
13 and regulations necessary for the performance of its duties, to  
14 establish standards of conduct and ethics for all persons licensed  
15 or practicing under the provisions of this Act, and to regulate the  
16 practice and teaching of barbering in all of its particulars in  
17 keeping with the purposes and intent of this Act or to insure  
18 strict compliance with and enforcement of this Act.

19 SECTION 24. Section 29, Chapter 65, Acts of the 41st  
20 Legislature, 1st Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's  
21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 29. The Board shall keep a record of its proceedings  
23 relating to the issuance, refusal, renewal, suspension, and  
24 revocation of certificates of registration. This record shall also  
25 contain the name, place of business, and residence of each  
26 registered barber [~~and-registered-assistant-barber,~~] and the date  
27 and number of his certificate of registration. This record shall

1 be open to public inspection at all reasonable times.

2 SECTION 25. Chapter 65, Acts of the 41st Legislature, 1st  
3 Called Session, 1929, <sup>as amended</sup> (Article 8407a, Vernon's Texas Civil  
4 Statutes), is amended by adding Section 29E to read as follows:

5 Sec. 29E. DELINQUENT PERMIT RENEWALS. A barber shop,  
6 specialty shop, or barber school permit that has been expired for  
7 more than 30 days may be renewed by filing a renewal application  
8 with the board, accompanied by the regular renewal fee, and a  
9 delinquency fee of \$30 for each year or part of a year that the  
10 permit has been expired. 35/36

11 SECTION 26. (a) This Act takes effect September 1, 1987.

12 (b) This Act applies only to a license, certificate, or  
13 permit issued or renewed by the State Board of Barber Examiners on  
14 or after September 1, 1987.

15 (c) A person who on the effective date of this Act holds a  
16 cosmetology license or manicurist license issued by the Texas  
17 Cosmetology Commission is entitled to a manicurist license issued  
18 by the State Board of Barber Examiners on application to that  
19 board.

20 SECTION 27. The importance of this legislation and the  
21 crowded condition of the calendars in both houses create an  
22 emergency and an imperative public necessity that the  
23 constitutional rule requiring bills to be read on three several  
24 days in each house be suspended, and this rule is hereby suspended.

By: Montford S.B. No. 849  
(In the Senate - Filed March 11, 1987; March 11, 1987, read first time and referred to Committee on Economic Development; March 30, 1987, reported favorably, as amended, by the following vote: Yeas 11, Nays 0; March 30, 1987, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Harris	x			
Glasgow	x			
Anderson	x			
Armbrister	x			
Blake	x			
Green	x			
Henderson	x			
Jones	x			
Leedom	x			
Montford	x			
Sims	x			

COMMITTEE AMENDMENT NO. 1

By: Montford

Amend Senate Bill 849, relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners, SECTION 16, lines 55 through 62, page 10, to read as follows:

Sec. 18. (a) Except as provided by Subsection (b) of this section, a person may not own, operate, or manage a wig specialty shop unless the person holds a wig specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. [A-person-holding--a wig-salon-license-issued-by-the-board-may-maintain-an-establishment in-which-only-the-practice-of-barbering-as-defined-in-Section-4-(b) (11)-of-this-act-is-performed-for-compensation.]

A BILL TO BE ENTITLED  
AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners. Each owner, operator or manager of a barber shop that is first opened for business hereafter shall within three days after the opening of such shop submit an application to the barber board for a barber shop permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede effective administration or enforcement of the laws under their respective jurisdictions[~~7--from-and-after-January-31--1980~~]:

(1) a person licensed by the barber board may practice [~~barbering~~] only at a location for which the board has issued a barber shop permit, specialty shop permit, barber school or college permit, or any other permit. If the State Board of Barber Examiners and the Texas Cosmetology Commission license the same facility, the board may not adopt rules restricting or prohibiting the practice by a Class A barber, manicurist, or wig specialist in the facility; and

(2) a person licensed by the cosmetology commission may practice cosmetology only at a location for which the commission has issued a beauty shop license, private beauty culture school license, or any other license. If the State Board of Barber Examiners and the Texas Cosmetology Commission license the same facility, the commission may not adopt rules restricting or prohibiting the practice by a cosmetologist in the facility.

SECTION 2. Article 8403, Revised Statutes, is amended to read as follows:

Art. 8403. EQUIPMENT. The owner, operator or manager of any barber shop, specialty shop, or barber school [~~or-beauty-parlor~~] shall equip and keep equipped the same with facilities and supplies and with all such appliances, furnishings and materials as may be necessary to enable persons employed in and about the same to comply with the law.

SECTION 3. Article 8404, Revised Statutes, is amended to read as follows:

Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner, operator or manager of a barber shop, specialty shop, or barber school [~~or--a--beauty--parlor~~] shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or employee [~~employee~~] or work or be employed in the [~~said~~] shop or school [~~parlor~~]. No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed in a [~~said~~] shop or school [~~parlor~~].

SECTION 4. Article 8405, Revised Statutes, is amended to read as follows:

Art. 8405. CLEANLINESS. Every person in charge of a barber shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep said shop or school [~~parlor~~] and all furniture, tools, appliances and other equipment used therein at all times in a cleanly condition, and shall cause all combs, hair brushes, hair dusters and similar articles used therein to be washed thoroughly at least once a day and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers used therein to be sterilized at least once after each time used as hereinafter provided. The term "persons affected by this chapter" shall include any person working or employed in a barber shop, specialty shop, or barber school [~~beauty-parlor~~] or acting as a barber, wig [~~beauty~~] specialist or manicurist. Every barber or other person affected by this chapter, immediately after using a mug, shaving brush, razor, scissors, shears, clippers, or tweezers, for the service of any person, shall sterilize the same by immersing it in boiling water for not less than a minute, or in the case of a razor, scissors, shears or tweezers, by immersing it for not less than ten minutes in a five per cent aqueous solution of carbolic acid. No barber or other person affected by this chapter shall:

1. Use for the service of any customer a comb, hair brush, hair duster or any similar article that is not thoroughly clean, nor any mug, shaving brush, razor, shears, scissors, clippers, or tweezers, that are not thoroughly clean or that have not been sterilized since last used.

2. Serve any customer unless he shall immediately before such service cleanse his hands thoroughly.

3. Use for the service of a customer any towel or washcloth that has not been boiled and laundered since last used.

4. To stop the flow of blood use the same piece of alum or other material for more than one person.

5. Shave any person when the surface to be shaved is inflamed or broken out or contains pus, unless such person be provided with a cup, razor and lather brush for his individual use.

6. Permit any person to use the head rest of any barber's chair under his control until after the head rest has been covered with a towel that has been washed and boiled since having been used before, or by clean new paper or similar clean substance.

7. Use a powder puff or a sponge in the service of a customer unless it has been sterilized since last used.

8. Use a finger bowl unless it has been sterilized since

last used and fresh water or other liquid placed therein.

9. Serve a customer without the use of a sanitized neck strip, cloth towel, or paper towel between the customer and the chair cloth.

10. Bring an animal into a shop or school, or allow an animal to remain in a shop or school, unless the animal is a trained dog used to assist a handicapped person or is used as a guard dog for security purposes.

SECTION 5. Article 8406, Revised Statutes, is amended to read as follows:

Art. 8406. NO PLACE TO SLEEP. (a) No owner or manager of any barber shop, specialty shop, or barber school [~~beauty-parlor~~] shall permit any person to sleep in any room used wholly or in part as such shop or school [~~parlor~~], and no person shall pursue the barber business or be employed in a barber shop, specialty shop, or barber school [~~beauty--parlor~~] in any room used as [a] sleeping quarters [~~apartment~~].

(b) If located in the same building with any business other than a beauty salon, a barber shop, specialty shop, or barber school must be separated from the other business by a solid wall and must have a separate entrance.

SECTION 6. Section 2, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Unless [~~From--and-after-the-effective-date-of-this Act--unless~~] duly licensed and registered in accordance with all laws of this state regulating the practice of barbering, no person shall:

(a) practice, continue to practice, offer, or attempt to practice barbering or any part thereof;

(b) directly or indirectly, employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations thereof, as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "barber," "barbering," "barber school," "barber college," "barber shop," "barber salon," or "specialty shop"; or

(c) directly or indirectly, employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice barbering or own or manage any barber shop, specialty shop, or barber school or college.

SECTION 7. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. DEFINITIONS. In this Act, unless the context otherwise requires:

(a) "barber" shall mean any person who performs, offers, or attempts to perform any act of barbering, professes to do barbering or to be engaged in the practice thereof, or who directly or indirectly or in any manner whatsoever advertises or holds himself out as a barber or as authorized to practice barbering;

(b) "barbering," "practicing barbering," or the "practice of barbering" shall mean the performing or doing, or offering or attempting to do or perform, any, all or any combination of the following acts, services, works, treatments, or undertakings:

(1) arranging, beautifying, coloring, processing, shaving, styling, or trimming the mustache or beard by any means or method;

(2) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, waving, or otherwise treating the hair as primary services, treatments, or undertakings by any means or method, including any bobbing, clipping, cutting, or trimming of the hair as a necessary incident preparatory or ancillary to such primary services;

(3) cutting the hair as a primary service, treatment, or undertaking and not as a necessary incident preparatory or ancillary to those primary services enumerated in Section 4(b)(2),

1 or primarily engaging in the occupation of cutting hair or  
 2 practicing primarily as a haircutter by cutting hair as a separate  
 3 and independent service, treatment, or undertaking for which  
 4 haircut a charge is made, as such, separate and apart from any  
 5 other service, treatment, or undertaking, directly or indirectly,  
 6 or in any manner whatsoever;

7 (4) cleansing, stimulating, or massaging the scalp, face,  
 8 neck, arms, shoulders, or that part of the body above the  
 9 shoulders, by means of the hands, devices, apparatuses, or  
 10 appliances, with or without the use of cosmetic preparations,  
 11 antiseptics, tonics, lotions, or creams;

12 (5) beautifying the face, neck, arms, shoulders, or that  
 13 part of the body above the shoulders, by the use of cosmetic  
 14 preparations, antiseptics, tonics, lotions, powders, oils, clays,  
 15 creams, or appliances;

16 (6) cutting, trimming, polishing, tinting, coloring,  
 17 cleansing, [e\*] manicuring, or pedicuring the nails of any person  
 18 or attaching false nails;

19 (7) massaging, cleansing, treating, or beautifying the hands  
 20 of any person;

21 (8) administering facial treatments;

22 (9) hair weaving;

23 (10) shampooing or conditioning hair;

24 (11) servicing a wig, toupee, or artificial hairpiece on a  
 25 human head or on a block, subsequent to the initial retail sale by  
 26 any of the acts, services, works, treatments, or undertakings  
 27 enumerated in Section 4(b)(2) of this Act;

28 (12) advertising or holding out to the public by any manner  
 29 whatsoever that any person is a barber or authorized to practice  
 30 barbering;

31 (13) advertising or holding out to the public by any manner  
 32 whatsoever that any location or place of business is a barber shop,  
 33 barber school, barber college, or barber salon;

34 (14) receiving any fee, salary, compensation, or financial  
 35 benefit, or the promise of any fee, salary, compensation, or  
 36 financial benefit, for performing, doing, offering, or attempting  
 37 to perform or do any act, work, service, or thing, which is any  
 38 part of the practice of barbering as herein defined;

39 (c) "barber shop" or "barber salon" shall mean any place  
 40 where barbering is practiced, offered, or attempted to be practiced  
 41 except when such place is duly licensed as a barber school or  
 42 college;

43 (d) "board" shall mean the State Board of Barber Examiners  
 44 as established and provided for in the Texas Barber Law;

45 (e) "certificate" shall mean a certificate of registration  
 46 issued by the board in accordance with the provisions of this Act;

47 (f) "license" shall mean any license issued by the board in  
 48 accordance with the provisions of this Act;

49 (g) "manager" shall mean any person who controls or directs  
 50 the business affairs of a barber shop or directs the work of a  
 51 person employed in a barber shop or both;

52 (h) "permit" shall mean any permit issued by the board in  
 53 accordance with the provisions of this Act;

54 (i) "person" shall mean any individual, association, firm,  
 55 corporation, partnership, or other legal entity.

56 (j) In addition to the foregoing definitions, the board  
 57 shall have authority to define by rule any words or terms necessary  
 58 in the administration or enforcement of this Act.

59 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
 60 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 61 Texas Civil Statutes), is amended to read as follows:

62 Sec. 6. The following persons shall be exempt from the  
 63 provisions of this Act, provided such persons are not represented,  
 64 advertised, or held out to the public, directly or indirectly, or  
 65 in any manner whatsoever, as barbers, journeymen barbers, barber  
 66 technicians or under any name, title, or designation indicating  
 67 such person is authorized to practice by authority of any license  
 68 or permit issued by the board:

69 (a) physicians, osteopaths, and registered nurses licensed  
 70 and regulated by the State of Texas while operating within the

scope of the license;

(b) commissioned or authorized medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;

(c) persons licensed or practicing by authority of the Texas Cosmetology Commission under the provisions of Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), so long as such persons practice within the scope of the license or permit duly issued by the Texas Cosmetology Commission.

SECTION 9. Section 7, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a Class A registered barber:

(a) being at least 16 [16-1/2] years of age;

(b) successfully passing a written and practical examination demonstrating to the satisfaction of the board the applicant's fitness and competence to practice the art and science of barbering.

SECTION 10. Section 9, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. (a) Any person desiring to conduct or operate a barber school or college in this state shall first obtain a permit from the board after demonstrating that said school or college has first met the requirements of this section. Said permit shall be prominently displayed at all times at such school or college. ~~[No such--school--or--college--shall--be--approved--unless--such--school--or--college--requires--as--a--prerequisite--to--graduation--a--course--of--instruction--of--not--less--than--1,500--hours--as--determined--by--the--board,--to--be--completed--within--a--period--of--not--less--than--nine--months,--for--a--Class--A--certificate,--and--at--least--800--hours--of--such--course--of--instruction--shall--be--in--the--actual--practice--of--cutting--hair--as--a--primary--service--in--accordance--with--the--definition--set--forth--in--Section--4(b)(3)--of--this--Act.]~~ No certificate or permit shall be issued as provided for herein to an applicant to be a student in such a school or college unless said applicant has completed at least a seventh grade education and such other requirements as shall be specified by the board. The board may not approve a barber school or college unless the school or college requires the following hours of instruction as a prerequisite for graduation:

(1) Class A barber--1,500 hours of instruction completed in a course of not less than nine months, with not less than 800 hours in the actual practice of cutting hair as a primary service;

(2) barber technician--150 hours of instruction completed in a course of not less than four weeks;

(3) wig instructor--200 hours of instruction completed in a course of not less than eight weeks;

(4) wig specialist--300 hours of instruction completed in a course of not less than eight weeks;

(5) manicurist--150 hours of instruction completed in a course of not less than four weeks; and

(6) teacher--1,000 hours of instruction completed in a course of not less than six months. [Provided,--however,--that--any--person--licensed--as--a--Class--A--registered--barber--or--registered--assistant--barber--as--of--the--effective--date--of--this--Act--shall--be--considered--qualified--to--perform--any--acts--or--services--within--the--scope--of--the--definition--of--barbering--and--shall--be--entitled--to--any--or--all--licenses,--certificates,--or--permits--which--the--board--is--authorized--to--issue--on--payment--of--the--required--fees--but--without--meeting--further--educational--or--experience--requirements.]

(b) If a school or college offers a refresher course, that course must require at least 300 hours of instruction. The Board by rule shall set the curriculum for a refresher course.

(c) Such schools or colleges shall instruct students in the theory and practice of such subjects as may be necessary and beneficial in the practice of barbering, including the following: scientific fundamentals of barbering; hygienic bacteriology,

histology of the hair, skin, muscles, and nerves; structure of the head, neck and face; elementary chemistry relating to sterilization and antiseptics; common disorders of the skin and hair; massaging muscles of the scalp, face, and neck; hair-cutting; shaving, shampooing, and bleaching and dyeing of the hair; manicuring, administering facial treatments, hair weaving, servicing wigs, or any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering provided for in this Act.

(d) [(e)] No barber school or college which issues "Class A" certificates shall be approved by the Board for the issuance of a permit unless said school or college has the following:

(1) An adequate school site housed in a substantial building of a permanent-type construction containing a minimum of not less than two thousand, eight hundred (2,800) square feet of floor space. Such space shall be divided into the following separate departments: a senior department, a junior department, a class theory room, a supply room, an office space, a dressing and cloak room, and two (2) sanitary, modern separate rest rooms, equipped with one (1) commode each and a urinal in one (1) rest room.

(2) A hard-surface floor covering of tile or other suitable material.

(3) A minimum of twenty (20) modern barber chairs with cabinet and mirror for each chair.

(4) One (1) lavatory in back of each two (2) chairs.

(5) A liquid sterilizer for each chair.

(6) An adequate number of latherizers, vibrators, and hair dryers for the use of students.

(7) Adequate lighting of all rooms.

(8) At least twenty (20) classroom chairs, a blackboard, anatomical charts of the head, neck and face, and one (1) barber chair in the class theory room.

(9) A library and library facilities available to students, containing a medical dictionary and a standard work on the human anatomy.

(10) Adequate drinking fountain facilities, but at least one (1) to each floor.

(11) Adequate toilet facilities for the students.

(12) Adequate fire-fighting equipment to be maintained in case of emergency.

(e) [(d)] Anything to the contrary in this Act notwithstanding, each such school shall place a sign on the front outside portion of its building in a prominent place. Such sign shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum size of ten-inch block letters. Printed signs containing the foregoing information shall be prominently displayed upon each inside wall of the establishment.

(f) [(e)] A minimum of five (5) hours a ~~[one-hour-periods-of each]~~ week must ~~[shall]~~ be devoted to the instruction of theory in the classroom, with Saturdays ~~[being]~~ devoted exclusively to practical work over the chair. If classes are conducted five (5) days a week, one (1) hour each day must be devoted to instruction in theory. If classes are conducted four (4) days a week, one (1) hour and fifteen (15) minutes each day must be devoted to instruction in theory. An attendance record book must be maintained by the school showing a record of the students' daily attendance. These records are subject to inspection at any and all times by the Board.

(g) [(f)] No barber school or college which issues "Class A" certificates shall be approved by the Board unless it is under the direct supervision and control of a barber who holds a current registered "Class A" certificate to practice barbering under the Texas Barber Law, and who can show evidence of at least five (5) years experience as a practicing barber. Each school shall have at least one (1) teacher who has a teacher's certificate issued by the Board upon examination and who is capable and qualified to teach the curriculum outlined herein to the students of such school. All such teachers are required to obtain a teacher's certificate from the Board and, in addition to requirements set forth by the Board, must meet the following requirements:



(1) Demonstrate their ability to teach the said curriculum outlined herein through a written and practical test to be given by the Board.

(2) Hold a current certificate as a registered "Class A" barber under this law.

(3) Demonstrate to the Board that such applicant is qualified to teach and instruct, to be determined at the discretion of the Board, and show evidence that the applicant has had at least six (6) months experience as a teacher in an approved school or college in Texas or in another state approved by the Board, or have completed 1,000 hours of instruction in a [six-month] postgraduate course as a student teacher in an approved barber school or college in Texas.

(h) A licensed barber who presents evidence satisfactory to the Board of at least five (5) years' experience as a practicing barber in a barber shop operating under a permit issued by the Board, with not less than two (2) years' experience occurring in the period immediately before application, is also entitled to apply to take the examination for a teacher's certificate. Applicants desiring an examination for a teacher's certificate shall make an application to the Board and accompany same with an examination fee not to exceed \$70. A new application and fee must be presented for each examination taken by the applicant and fees paid are not refundable. A teacher's certificate shall be issued upon satisfactory completion of the examination and payment of a certificate fee not to exceed \$70 if the applicant fulfills the requirements during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year or not to exceed \$35 if the applicant fulfills the requirements during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year. Teacher's certificates shall be renewed biennially on or before November 1st of odd-numbered years upon the payment of a renewal fee not to exceed \$70.

(i) [§g] In addition to a minimum of one (1) teacher required in paragraph (3) above, each barber school or college which issues "Class A" certificates shall maintain at least one (1) qualified instructor, holding a registered "Class A" certificate, for each twenty (20) students or any fraction thereof for instruction in practical work; provided, however, that a teacher can also serve as an instructor in practical work in addition to his position as a theory teacher. A barber school or college may enroll one (1) student teacher for each licensed teacher who teaches at the school or college. A student teacher must concentrate on teaching skills, and may not be booked with customers. Violation of this requirement constitutes a ground for the revocation of the person's student teacher barber license.

(j) [§h] No barber school or college shall be issued a permit to operate under the provisions of this Section until it has first furnished the following evidence to the Board:

(1) A detailed drawing and chart of the proposed physical layout of such school, showing the departments, floor space, equipment, lights and outlets.

(2) Photographs of the proposed site for such school including the interior and exterior of the building, rooms and departments.

(3) A detailed copy of the training program.

(4) A copy of the school catalog and promotional literature.

(5) A copy of the building lease or proposed building lease where the building is not owned by the school or college.

(6) A sworn statement showing the true ownership of the school or college.

(7) A permit fee not to exceed \$1,000.

(k) No such school or college shall be operated and no students shall be solicited or enrolled by it until the Board shall determine that the school has been set up and established in accordance with this Section and the proposal submitted to the Board and approved by it prior to the issuance of a permit. Any such school or college must obtain renewal of its certificate by September 1st each year by the payment of an annual renewal fee not

1 to exceed \$300.

2 (l) [(i)] When a barber school or college changes ownership,  
3 the Board shall be notified of the transfer within ten (10) days  
4 from the date of such change.

5 (m) [(j)] Any school or college desiring to change the  
6 location of such school or college must first obtain approval by  
7 the Board by showing that the proposed location meets the  
8 requirements of this Section.

9 (n) [(k)] If said Board refuses to issue a permit to any  
10 such school or college, such school or college may by written  
11 request demand the reasons for said refusal and if said school or  
12 college shall thereupon meet said requirements and makes a showing  
13 that the requirements of this law have been complied with, then if  
14 said Board refuses to issue said permit, a suit may be instituted  
15 by such school or college in any of the District Courts of Travis  
16 County, Texas, to require said Board to issue such permit. Any  
17 such suit must be filed within twenty (20) days after the final  
18 order of said Board refusing to issue such permit is entered,  
19 provided registered notice is mailed or it is otherwise shown that  
20 said school or college has notice within ten (10) days from the  
21 entering or making of said order.

22 (o) [(l)] In the event such school or college after a permit  
23 is issued to it violates any of the requirements of this law,  
24 either directly or indirectly, then said Board shall suspend or  
25 revoke the permit of any such school or college. Before suspending  
26 or revoking any such permit, said Board must give such school or  
27 college a hearing, notice of which hearing shall be delivered to  
28 such school or college at least twenty (20) days prior to the date  
29 of said hearing. If said Board suspends or revokes said permit at  
30 said hearing, then such school or college may file suit to prevent  
31 the same or to appeal from said order. Any and all suits filed  
32 hereunder shall be filed within twenty (20) days from the date of  
33 the order of said Board in any of the District Courts of Travis  
34 County, Texas, and not elsewhere, and the order shall not become  
35 effective until said twenty (20) days has expired.

36 (p) [(m)] The Attorney General or any District or County  
37 Attorney may institute any injunction proceedings or such other  
38 proceeding as to enforce the provisions of this Act, and to enjoin  
39 any barber, assistant barber, or school or college from operating  
40 without having complied with the provisions hereof, and each shall  
41 forfeit to the State of Texas the sum of Twenty-five Dollars (\$25)  
42 per day as a penalty for each day's violation, to be recovered in a  
43 suit by the District or County Attorney, and/or the Attorney  
44 General.

45 SECTION 11. Section 13, Chapter 65, Acts of the 41st  
46 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
47 Texas Civil Statutes), is amended to read as follows:

48 Sec. 13. Any person who is at least sixteen [~~and-one-half~~]  
49 years of age, and who has a diploma showing graduation from a  
50 seven-grade grammar school, or its equivalent as determined by an  
51 examination conducted by the Board, and either

52 (a) Has a license or certificate of registration as a  
53 practicing barber from another State or country, which has  
54 substantially the same requirements for licensing or registering  
55 barbers as required by this Act, or

56 (b) Who can prove by personal affidavit that he has  
57 practiced as a barber in another State for at least two years  
58 immediately prior to making application in this State, and who  
59 possesses the qualifications required by this Act, shall, upon  
60 payment of the required fee, be issued a permit to practice as a  
61 journeyman barber only until he is called by the Board of Barber  
62 Examiners to determine his fitness to receive a certificate of  
63 registration to practice barbering. Should such applicant fail to  
64 pass the required examination he shall be allowed to practice as a  
65 journeyman barber until he is called by the Board for the next term  
66 of examination. Should he fail at the examination he must cease to  
67 practice barbering in this State.

68 SECTION 12. Section 14, Chapter 65, Acts of the 41st  
69 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
70 Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) Any person [assistant-barber] who is at least sixteen [and--one-half] years of age and who has a diploma showing graduation from a seventh grade grammar school, or an equivalent education as determined by [an-examination-conducted-by] the Board, and who has [a-certificate-of-registration-as-an-assistant-barber-in-a-State-or-country-which-has-substantially-the-same-requirements-for-registration-as-an-assistant-barber-as-is-provided-for-by--this-Act;--shall--upon-payment-of-the-required-fee-be-issued-a-permit-to-work-as-an-assistant-barber-until-called-by-the-Board-of--Examiners-for--examination--to-determine-his-fitness-to-receive-a-certificate-of-registration-as-an-assistant-barber--Should-such-person-be-able-to-pass-the-required-examination;--he-will-be-issued--a--certificate-of-registration-as-a-registered-assistant-barber;--and-that-the-time-spent--in--such-other-State-or-country-as-an-assistant-barber-shall-be-credited-upon-the-period-of-assistant-barber--required--by--this-Act--as--a--qualification--to-take-the-examination-to-determine-his-fitness-to-receive-a-certificate-of-registration--as--a--registered-barber-]

[~~(b)~~--Any-person-who-has] spent at least 30 working days at a licensed barber school or college as a barber's technician including the study of shampooing, shampoos, manipulations, making appointments, preparing patrons, sterilizing tools, and the study of sterilization and the barber laws is entitled to a license as a barber technician on satisfactory completion of an examination prescribed by the Board [~~may-be-licensed-to-practice-as-a--barber's-technician~~].

(b) Any licensed barber's technician may assist the barber in shampooing and sterilizing in a barber shop and shall work under the personal supervision of a registered Class A barber.

SECTION 13. Section 15, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. (a) A person holding a manicurist specialty license issued by the board may perform for compensation only the practice of barbering defined in Section 4(b)(6) and Section 4(b)(7) of this Act.

(b) An applicant for a manicurist specialty license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 150 hours instruction in manicuring.

(c) The application shall be made on a form prescribed by the board and a \$5 [~~manicurist~~] administration fee must accompany the application. The application and fee shall be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a manicurist specialty license if such applicant possesses the qualifications enumerated in Section 15(b), satisfactorily completes the examination, pays a license fee not to exceed \$30, and has not committed an act which constitutes grounds for denial of a license under this Act.

SECTION 14. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 15A to read as follows:

Sec. 15A. (a) Except as provided by Subsection (b) of this section, a person may not own, operate, or manage a manicurist specialty shop unless the person holds a manicurist specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued.

(b) Not later than the third day after the date on which a person opens a manicurist specialty shop, the person must submit a written application to the board for a temporary permit. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board.

(c) The board shall issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist specialty license and whose shop meets:

(1) the minimum health standards required by the Texas Department of Health for manicurist specialty shops, as determined by a board inspection; and

(2) any additional requirements imposed by board rule.

(d) A person who holds a manicurist specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Subdivision (6) or (7), Section 4(b), of this Act, is performed for compensation. A manicurist specialty shop may be operated only under the direction of a person who holds a valid manicurist specialty license.

(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a manicurist specialty shop is transferred to another person, the shop may continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.

(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under that authority at a manicurist specialty shop regulated under this Act.

(g) A permit issued under this section expires July 1 of each odd-numbered year. A holder may renew the permit by submitting a renewal application to the board, accompanied by a renewal fee set by the board not to exceed \$50.

(h) A holder of a permit issued under this section may move the manicurist specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur.

SECTION 15. Section 16, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. (a) A person holding a wig specialist license issued by the board may perform for compensation only the practice of barbering defined in Section 4(b)(11) of this Act.

(b) An applicant for a wig specialist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 300 hours of instruction in the care and treatment of wigs.

(c) The application shall be made on a form prescribed by the commission and a \$5 administration fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig specialist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a license fee not to exceed \$30, and has not committed an act which constitutes grounds for revocation of a license under this Act.

~~[(e)--Any--person--who--at--the--time--this--Act--takes--effect--holds a--cosmetology--license--or--manicurist--license--issued--by--the cosmetology--commission--may--make--application--for--and--upon--paying--the fee--be--granted--a--manicurist--license--by--the--barber--board--without examination--]~~

SECTION 16. Section 18, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. (a) Except as provided by Subsection (b) of this section, a person may not own, operate, or manage a manicurist wig shop unless the person holds a manicurist specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. ~~[A--person holding--a--wig--salon--license--issued--by--the--board--may--maintain--an establishment--in--which--only--the--practice--of--barbering--as--defined--in Section--4(b)(11)--of--this--Act--is--performed--for--compensation--]~~

(b) Not later than the third day after the date on which a person opens a wig specialty shop, the person must submit a written application to the board for a temporary permit. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. ~~[An--applicant--for--a--wig--salon--license--shall--submit--an--application~~

on--a--form-prescribed-by-the-board--The-application-shall-contain proof-of-the-particular-requisites-for-a-wig-salon--as--established by-the-board-and-shall-be-verified-by-the-applicant-]

(c) The board shall issue a wig specialty shop permit to an applicant who holds a valid wig specialty license and whose shop meets:

(1) the minimum health standards required by the Texas Department of Health for wig specialty shops, as determined by a board inspection; and

(2) any additional requirements imposed by board rule. [The applicant--is--entitled--to--a-wig-salon-license-if-the-application shows-compliance-with-the-rules-and-regulations--of--the--board--a license--fee--not-to-exceed-\$50-is-paid--and-such-applicant-has-not committed-an-act-which-constitutes--grounds--for--revocation--of--a license-under-this-Act-]

(d) A person who holds a wig specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Section 4(b)(11) of this Act, is performed for compensation. A wig specialty shop may be operated only under the direction of a person who holds a valid wig specialty license.

(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a wig specialty shop is transferred to another person, the shop may continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.

(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under that authority at a wig specialty shop regulated under this Act.

(g) A permit issued under this section expires July 1 of each odd-numbered year. A holder may renew the permit by submitting a renewal application to the board, accompanied by a renewal fee set by the board not to exceed \$50.

(h) A holder of a permit issued under this section may move the wig specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur.

SECTION 17. Section 18.1, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18.1. (a) A person holding a wig school permit [license] issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b)(11) of this Act is taught for compensation.

(b) An applicant for a wig school permit [license] shall submit an application on a form prescribed by the board. The application shall contain proof of the particular requisites for a wig school as established by the board and shall be verified by the applicant.

(c) The applicant is entitled to a wig school permit [license] if the application shows compliance with the rules and regulations of the board, a \$100 permit [license] fee is paid, and applicant has not committed an act which constitutes grounds for revocation of a license or permit under this Act.

SECTION 18. Section 20, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. (a) Each certificate of registration or license issued under this Act expires two years from the date of issuance. Each registered Class A barber, barber technician, teacher, wig instructor, wig specialist, manicurist, or other licensed specialist who continues in active practice or service must renew the certificate or license on or before the expiration date. The Board shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the Board, accompanied by the renewal fee set by the Board in the amount for an original certificate or license, but not to exceed \$70. [Every registered-Class-A-barber-and-barber-technician--who--continues--in

active---practice---or---service---shall---renew---his---certificate---of  
 registration-on-or-before-November-1-of--odd-numbered--years---The  
 Board--of-Barber-Examiners-shall-issue-the-renewal-certificate-upon  
 payment-of-a--biennial--renewal--fee--not--to--exceed--\$70---Every  
 certificate--of--registration--which--has-not-been-renewed-prior-to  
 that-date-shall-expire-on-November-1-of-that-year.]

(b) A Class A registered barber or other licensee, whose  
 certificate of registration or license has expired, may, within 30  
 days thereafter, and not later, have his certificate of  
 registration or license restored by applying to the Board and  
 paying the biennial renewal fee set by the Board [upon--making--a  
 satisfactory--showing--to--the--Board,--supported--by--his--personal  
 affidavit,--which--in--the--opinion--of--the--Board,--will--excuse--the  
 applicant--for--having--failed--to--renew--his--certificate--within--the  
 time--required--by--this--Act].

(c) Any registered barber or licensee whose certificate of  
 registration or license has been expired for not [whe-retires-from  
 the-practice-of-barbering-for-not] more than five (5) years may  
 reinstate the [renew-his] certificate of registration or license by  
 making proper showing to the Board, supported by his personal  
 affidavit, which, in the opinion of the Board, would justify the  
 Board in issuing a certificate or license to such applicant as upon  
 an original application upon payment of a fee equal to the amount  
 of the original certificate or license fee, plus a delinquency fee  
 of \$30 for each year or part of a year that the certificate or  
 license has been expired [not--to--exceed--\$70--if--the--applicant  
 applies--during--the-period-from-November-1-of-an-odd-numbered-year  
 and-extending-through-October-31--of--the--following--even-numbered  
 year--not--to--exceed--\$35-if-the-applicant-applies-during-the-period  
 from-November-1-of-an--even-numbered--year--and--extending--through  
 October-31-of-the-following-odd-numbered-year].

(d) Any registered barber or licensee who retires from [the]  
 practice and whose certificate of registration or license has been  
 expired [of-barbering] for more than five (5) years may qualify for  
 a new [renew-his] certificate of registration or license by making  
 application to the Board and by making proper showing to the Board,  
 supported by his personal affidavit, and by paying an examination  
 fee not to exceed \$70, passing a satisfactory examination conducted  
 by the Board, and paying the [a--license] fee for an original  
 certificate of registration or license [not-to-exceed-\$50-if-the  
 applicant-fulfills-the-requirements-during-the-period-from-November  
 1-of-an-odd-numbered-year-and-extending-through-October-31--of--the  
 following--even-numbered-year-or-not-to-exceed-\$25-if-the-applicant  
 fulfills-the-requirements-during-the-period-from-November-1--of--an  
 even-numbered---year--and--extending--through--October--31--of--the  
 following-odd-numbered-year].

SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 Texas Civil Statutes), is amended to read as follows:

Sec. 20a. Any registered barber, [registered---assistant  
 barber---or] barber technician, teacher, manicurist, or wig  
 specialist shall not be required to renew his certificate of  
 registration while serving on active duty in the military, air or  
 naval forces of the United States, and the Board shall issue a  
 renewal certificate upon application and payment of a renewal fee  
 within ninety (90) days from the date such registered barber,  
 [registered--assistant--barber,--or] barber technician, teacher,  
 manicurist, or wig specialist is released or discharged from active  
 duty in the armed forces. The renewal fee shall be:

(1) Ten Dollars (\$10) if the application and payment is made  
 during the period from November 1 of an odd-numbered year and  
 extending through October 31 of the following even-numbered year;

(2) Five Dollars (\$5) if the application and payment is made  
 during the period from November 1 of an even-numbered year and  
 extending through October 31 of the following odd-numbered year.

SECTION 20. Subsections (b) and (c), Section 23, Chapter 65,  
 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
 8407a, Vernon's Texas Civil Statutes), are amended to read as  
 follows:

(b) The fees to be paid to the Board by an applicant for an

examination to determine his fitness to receive a certificate of registration to practice barbering[~~7-to-practice-as-an-assistant barber,~~] or to practice as a barber technician shall be \$10.

(c) The fees to be paid to the Board by an applicant who has satisfactorily passed the examination and complied with the other provisions of this Act to receive a certificate of registration to practice barbering[~~7-to-practice-as-an-assistant--barber,~~] or to practice as a barber technician shall be set by the Board in an amount not to exceed \$70[-

[~~(1)--an-amount-not-to-exceed-\$70-if-the--applicant--fulfills the---requirements---during--the--period--from--November--1--of--an odd-numbered-year-and-extending-through-October-31-of-the-following even-numbered-year,-or~~

[~~(2)--an-amount-not-to-exceed-\$35-if-the--applicant--fulfills the---requirements---during--the--period--from--November--1--of--an even-numbered--year--and--extending--through--October--31--of---the following-odd-numbered-year].~~

SECTION 21. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. Each of the following offenses shall constitute a misdemeanor punishable upon conviction in a court of competent jurisdiction by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

(A) The violation of any of the provisions of Sections 1, 2, 3, and 5 of this Act;

(B) Permitting any person in one's employ, supervision or control to practice as a barber or other licensee [~~as-an-assistant barber,~~] unless that person has a current certificate of registration issued by the board;

(C) Obtaining or attempting to obtain a certificate of registration by fraudulent representation;

(C-1) For anyone who owns, operates or manages a barber school or college to work a chair or to permit teachers, student teachers [~~instructors~~], licensed barbers or any one other than an enrolled student to render barbering services to the public in their said establishment;

(D) The willful failure to display a certificate of registration as required by Section 19 of this Act.

SECTION 22. Section 27a(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) No barber inspector or other employee of the State Board of Barber Examiners may sell barber supplies or engage in any other business which deals directly with barbers, barber shops, specialty shops, or barber schools except that he may engage in the practice of barbering.

SECTION 23. Section 28(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas [~~State~~] Board of Health shall make, establish and promulgate reasonable sanitary rules and regulations for the conduct of barber shops, specialty shops, and barber schools. The State Board of Barber Examiners, by and through the Texas Department of Health [~~Health-Department-of--the--State--of--Texas~~], shall have authority, and it is made its duty to enter upon the premises of all barber shops, specialty shops, barber schools or any place where any of its licensees are practicing or performing any service, act or treatment by authority of any license issued by the board and inspect same at any time during business hours. A copy of such sanitary rules and regulations adopted by the Texas Board of Health shall be furnished to the Secretary of the State Board of Barber Examiners who shall in turn forward to each barber, barber school or licensee of the board a copy of such rules and regulations. A copy of the sanitary rules and regulations promulgated and adopted by the Texas [~~State~~] Board of Health shall be posted in barber shops, specialty shops, and barber schools in this State. Subject only to the authority of the Texas [~~State~~] Board of Health to make and promulgate reasonable rules and regulations as to sanitation, the State Board of Barber Examiners



shall have full authority and power to make and enforce all rules and regulations necessary for the performance of its duties, to establish standards of conduct and ethics for all persons licensed or practicing under the provisions of this Act, and to regulate the practice and teaching of barbering in all of its particulars in keeping with the purposes and intent of this Act or to insure strict compliance with and enforcement of this Act.

SECTION 24. Section 29, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 29. The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, place of business, and residence of each registered barber [~~and-registered-assistant-barber,~~] and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

SECTION 25. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 29E to read as follows:

Sec. 29E. DELINQUENT PERMIT RENEWALS. A barber shop, specialty shop, or barber school permit that has been expired for more than 30 days may be renewed by filing a renewal application with the board, accompanied by the regular renewal fee, and a delinquency fee of \$30 for each year or part of a year that the permit has been expired.

SECTION 26. (a) This Act takes effect September 1, 1987.

(b) This Act applies only to a license, certificate, or permit issued or renewed by the State Board of Barber Examiners on or after September 1, 1987.

(c) A person who on the effective date of this Act holds a cosmetology license or manicurist license issued by the Texas Cosmetology Commission is entitled to a manicurist license issued by the State Board of Barber Examiners on application to that board.

SECTION 27. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

\* \* \* \* \*

Austin, Texas  
March 30, 1987

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Economic Development to which was referred S.B. No. 849, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

Harris, Chairman



# SENATE FAVORABLY AS AMENDED COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

March 30, 1987

(date)/(time)

Sir:

We, your Committee on ECONOMIC DEVELOPMENT to which was referred  
SB 849 by Montford have on 3/30, 1987, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass with ① amendments, and be printed

( ) do pass as amended, and be ordered not printed

( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ( ) no

A revised fiscal note was requested. ( ) yes ☒ no

An actuarial analysis was requested. ( ) yes ☒ no

Considered by subcommittee. ( ) yes ☒ no

Senate Sponsor of House Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Harris, Chairman	<input checked="" type="checkbox"/>			
Glasgow, Vice Chairman	<input checked="" type="checkbox"/>			
Anderson	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Blake	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Henderson	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			
Leedom	<input checked="" type="checkbox"/>			
Montford	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
TOTAL VOTES	11	—	—	—

Carol Wilson

COMMITTEE CLERK

CHAIRMAN

Harris

# FILE

7087

## BILL ANALYSIS

By: Montford

S.B. 849

### BACKGROUND:

The State Board of Barber Examiners believes that much of the current law governing the practice of barbering in Texas is out-dated and no longer applicable to the profession. The board has recommended statutory changes to reflect current practices and changing trends in the hair care business. The board believes that these changes will allow them to govern the barber profession more efficiently. Additionally, the board maintains that proposed renewal provisions for specialty licenses and shop permits in combination with penalties for late renewals of all licenses and permits will generate approximately \$100,000 per year in additional revenue for the state.

### PURPOSE:

As proposed, S.B. 849 modifies a variety of laws governing the barbering profession and the regulation of persons by the State Board of Barber Examiners.

### RULEMAKING AUTHORITY:

It is the committee's opinion that rulemaking authority is granted to the State Board of Barber Examiners under sections 10, 14, and 16 of this bill.

### SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Subsections (a) and (b), Article 8402, Revised Statutes as follows:

(a) Requires managers of specialty shops to register with the State Board of Barber Examiners (board);

(b) Allows a licensed barber to practice in a location for which a specialty shop permit has been issued. Prohibits the board from adopting rules which restrict a manicurist or wig specialist from practicing in a facility licensed jointly with the Texas Cosmetology Commission.

SECTION 2. Amends Article 8403, Revised Statutes, to require owners or managers of specialty shops and barber schools to properly equip the facilities.

SECTION 3. Amends Article 8404, Revised Statutes, to prohibit owners or managers of specialty shops and barber schools from knowingly hiring an employee with a communicable skin disease or venereal disease.

SECTION 4. Amends Article 8405, Revised Statutes, to require persons in charge of specialty shops and barber schools to keep the facility and supplies clean. Includes employees of specialty shops, barber schools, and wig specialists in the term "persons affected by this chapter." Sets forth prohibited acts for persons affected by this chapter.

SECTION 5. Amends Article 8406, Revised Statutes, to prohibit owners or managers of specialty shops and barber schools from allowing persons to sleep in any room used for business or from conducting business in any room used for sleeping. Requires a barber shop, specialty shop, or barber school to be separated from any business, other than a beauty salon, by a solid wall.

SECTION 6. Amends Section 2, Chapter 65, Acts of the 41st legislature, 1st called session, 1929 (Art. 8407a, V.T.C.S.), to add "specialty shop" to the terms that unregistered persons are prohibited from using in a business

SECTION 7. Amends Section 4, Article 8407a V.T.C.S., to include the practice of pedicuring in the definition of "barbering," "practicing barbering," or the "practice of barbering."

SECTION 8. Amends Section 6, Article 8407a V.T.C.S., to exempt physicians, osteopaths, and registered nurses from this Act while they are operating within the scope of their respective licenses and are not representing themselves as barbers.

SECTION 9. Amends Section 7, Article 8407a, V.T.C.S., to change the minimum age at which an applicant may be registered as a Class A barber from 16 1/2 to 16 years of age.

SECTION 10. Amends Section 9, Article 8407a V.T.C.S., as follows:

(a) Sets forth the required hours of instruction for a class A barber, barber technician, wig instructor, wig specialist, manicurist, and teacher, and prohibits the board from approving any barber school or college which requires fewer hours.

(b) Sets forth the required hours of instruction for refresher courses and requires the board, by rule, to set the course's curriculum.

(f) Requires classes conducted five days a week to devote one hour each day and classes conducted four days a week to devote one hour and fifteen minutes each day to theory instruction.

(g) Changes the requirements for a barber school supervisor to completion of 1,000 hours of instruction in a postgraduate course as a student teacher in a barber school.

(h) Entitles a licensed barber with five years experience, two years occurring immediately before application, to apply to take the teacher's certificate examination.

(i) Allows a barber school to enroll one student teacher for each licensed teacher. Requires the student teacher to concentrate on teaching skills and provides that violation of this requirement constitutes a ground for revocation of the person's student teacher barber license.

SECTION 11. Amends Section 13, Article 8407a V.T.C.S., to change the provision regarding permits for journeyman barbers to require that a person be 16 years of age rather than 16 1/2.

SECTION 12. Amends Section 14, Article 8407a V.T.C.S., to set forth the requirements for a license as a barber technician.

SECTION 13. Amends Section 15, Article 8407a V.T.C.S., to change the phrase "manicurist license" to "manicurist specialty license."

SECTION 14. Amends Article 8407a V.T.C.S., by adding Section 15A as follows:

(a) Makes this Subsection subject to Subsection (b). Prohibits operation of a manicurist specialty shop without a permit, and allows use of a temporary permit.

(b) Requires applications for a temporary permit within the third day of a shop opening. Sets forth the information to be included in an application.

(c) Requires the board to issue a permanent manicurist specialty shop permit to a licensed applicant whose shop meets the minimum health standards required by the Texas Department of Health and any additional requirements imposed by board rule.

(d) Restricts operation of a manicurist specialty shop to licensed parties and restricts permit bearers to the practice of barbering as defined by Subdivision (6) or (7), Section 4(b), of this Act.

(e) Requires the permit to be displayed in the shop and provides that the permit is not transferable.

(f) Prohibits a person holding a license, permit, or certificate from the Texas Cosmetology commission from practicing under that authority at a manicurist specialty shop regulated under this Act.

(g) Provides that a permit expires July 1 of each odd-numbered year and allows the holder to renew the permit by submitting an application and fee.

(h) Allows a permit holder to move the manicurist specialty shop with board approval.

SECTION 15. Amends Section 16, Article 8407a V.T.C.S., to delete the provision which allowed persons licensed by the cosmetology commission to receive a manicurist license by the barber board without examination.

SECTION 16. Amends Section 18, Article 8407a V.T.C.S., as follows:

(a) Prohibits operation of a manicurist wig shop unless the person holds a manicurist specialty shop permit, and allows operation under a temporary permit.

(b) Requires submission of a temporary permit application within three days of a wig specialty shop opening.

(c) Sets forth permit requirements to be met by a wig specialty license holder.

(d) Restricts operation to license bearers and restricts permit bearers to the practice of barbering as defined by Section 4(b)(11) of this Act.

(e) Requires the permit to be displayed in the shop and provides that the permit is not transferable.

(f) Prohibits a person holding a license, permit, or certification from the Texas Cosmetology Commission from practicing under that authority at a wig specialty shop regulated under this Act.

(g) Provides that a permit expires July 1 of each odd-numbered year, and allows renewal of the permit by submission of an application and fee.

(h) Allows a permit holder to move the wig specialty shop to a different location with board approval.

SECTION 17. Amends Section 18.1, Article 8407a V.T.C.S., to change the word "license" to "permit."

SECTION 18. Amends Section 20, Article 8407a V.T.C.S., as follows:

(a) Provides that each certificate of registration or license issued under this Act expires two years from the date of issuance. Requires each licensed party to renew the certificate or license by the expiration date. Requires the board to issue a renewal certificate or license upon receipt of an application and fee.

(b) Allows a Class A barber or other licensee, whose certificate or license has expired, to have the certificate or license restored by applying to the board within 30 days and paying the renewal fee.

(c) Allows any barber or licensee whose certificate or license has been expired for less than five years to reinstate the certificate or license by making a proper showing to the board to justify reinstatement and by paying a fee equal to the amount of the original fee plus a delinquency fee of \$30 for each year or part of a year that the certificate or license has been expired.

(d) Allows any barber or licensee who retires and whose certificate or license has expired to qualify for a new certificate or license by applying to the board, paying an examination fee, passing an examination, and paying the original fee.

SECTION 19. Amends Section 20a, Article 8407a V.T.C.S., to release teachers, manicurists, and wig specialists serving active duty in the military from renewal requirements until discharge.

SECTION 20. Amends Subsections (b) and (c), Section 23, Article 8407a V.T.C.S., to allow the board to set various fees within limits.

SECTION 21. Amends Section 24, Article 8407a V.T.C.S., to change the term "assistant barber" to "other licensee," and "instructors" to "student teachers."

SECTION 22. Amends Section 27a(a), Article 8407a V.T.C.S., to include specialty shops as a business with which barber inspectors or board employees may not deal except to practice barbering.

SECTION 23. Amends Section 28(a), Article 8407a V.T.C.S., to require specialty shops to comply with Texas Board of Health and Texas Department of Health regulations.

SECTION 24. Amends Section 29, Article 8407a V.T.C.S., to delete the phrase "registered assistant barber."

SECTION 25. Amends Article 8407a V.T.C.S., by adding Section 29E which allows renewal of a barber shop, barber school, or specialty shop permit that has been expired for more than 30 days upon filing an application, and payment of a fee, and a delinquency fee of \$30 for each year or part of year since the expiration.

SECTION 26. Effective date. September 1, 1987. Makes this Act prospective. Provides that holders, on this Act's effective date, of a cosmetology license or manicurist license issued by the Texas Cosmetology Commission, are entitled to a manicurist license issued by the State Board of Barber Examiners upon application to the board.

SECTION 27. Emergency clause.

DPZ 3.25.87

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 26, 1987

TO: Honorable O.H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 849  
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 849 (relating to the practice of barbering to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would require licenses for wig specialists, wig instructors and manicurists to be renewed every two years. Currently, such licenses are not subject to renewal. In addition, the bill would require licensure of specialty shops, subject to renewal every two years. Finally, the bill would authorize the State Board of Barber Examiners to charge a penalty fee on the renewal of delinquent licenses of \$30 for each year or portion of a year that the license has been expired.

Revenues would be deposited to the Barber Examiners Fund No. 40. The agency anticipates a decrease in revenue from penalty fees after 1988 due to a greater level of compliance with license renewal requirements. Estimated administrative costs to the agency reflect the printing and mailing of penalty fee notifications to all licensees, as well as the cost of updating the agency's current licensing system to include specialty licenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Administrative Cost to Barber Examiners Fund No. 40</u>	<u>Revenue Gain to Barber Examiners Fund No. 40</u>
1988	\$10,903	\$133,980
1989	-0-	85,000
1990	-0-	85,000
1991	-0-	85,000
1992	-0-	85,000

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners;  
LBB Staff: JO, HES, JWH, MW, AF

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

**ADOPTED**

APR 30 1987

*Barry King*  
Secretary of the Senate

By Montford

S.B. 849

~~AMEND~~ Senate Bill 849, relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners, SECTION 16, lines (2) through (9), to read as follows:

page (25)

Sec. 18. (a) Except as provided by Subsection  
(b) of this section, a person may not own, operate, or  
manage a ~~manicurist~~ wig specialty shop unless the  
person holds a ~~manicurist~~ wig specialty shop permit  
issued by the board. A person may operate under a  
temporary permit issued by the board until a permanent  
permit is issued. [A-person-holding-a-wig-salon  
license-issued-by-the-board-may-maintain-an-establishment  
in-which-only-the-practice-of-barbering-as-defined-in  
Section-4-(b)-(1)-of-this-act-is-performed-for  
compensation.]

**ADOPTED**

APR 30 1987

*Betty King*  
Secretary of the Senate

Com. am. #1  
3/30/87

MT 3-30-87  
5/1/87 5/1/87



FLOOR AMENDMENT NO. 1

BY: Jones

Amend Senate Bill No. 849, Page 8, line 35 of the printed bill by inserting at line 39 two new subparagraphs (c) and (d) to read as indicated, and by appropriately redesignating the existing subparagraphs (c) through (j):

(c) "manicurist specialty shop" shall mean any place where only the practice of barbering as defined by Section 4(b), subparagraphs (6) and (7) of this Act is performed for compensation;

(d) "wig specialty shop" shall mean any place where only the practice of barbering as defined by Section 4(b), subparagraph (11) of this Act is performed for compensation;

**ADOPTED**

APR 30 1987

*Ray King*  
Secretary of the Senate

*Hon Am. #10*  
*5/1/87*  
*L 5/1/87*

April 30 1987 Engrossed  
Patsy Law  
Engrossing Clerk

I certify that the attached is a true and correct  
copy of SB 849 which was  
received from the Senate on MAY 4 1987  
and referred to the Committee on Public Health

Deputy Secretary  
Chief Clerk of the House

By: Montford

S.B. No. 849

(Laney)

A BILL TO BE ENTITLED

AN ACT

relating to the practice of barbering and to the regulation of  
certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised  
Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or  
managing a barber shop or specialty shop shall register his full  
name and the location of said shop with the State Board of Barber  
Examiners. Each owner, operator or manager of a barber shop that  
is first opened for business hereafter shall within three days  
after the opening of such shop submit an application to the barber  
board for a barber shop permit.

(b) In order that the public may fix responsibility for  
services, acts, or treatments performed by persons licensed by the  
State Board of Barber Examiners vis-a-vis those performed by  
persons licensed by the Texas Cosmetology Commission, to promote  
the efficient and orderly administration of laws regulating barbers  
and the practice of barbering and the laws regulating  
cosmetologists and the practice of cosmetology and to avoid  
confusion of the public as well as avoiding conflicts of  
jurisdiction between such board and commission which might impede  
effective administration or enforcement of the laws under their  
respective jurisdictions[7-from-and-after-January-31-1980]:

(1) a person licensed by the barber board may practice

1 [barbering] only at a location for which the board has issued a  
 2 barber shop permit, specialty shop permit, barber school or college  
 3 permit, or any other permit. If the State Board of Barber  
 4 Examiners and the Texas Cosmetology Commission license the same  
 5 facility, the board may not adopt rules restricting or prohibiting  
 6 the practice by a Class A barber, manicurist, or wig specialist in  
 7 the facility; and

8 (2) a person licensed by the cosmetology commission may  
 9 practice cosmetology only at a location for which the commission  
 10 has issued a beauty shop license, private beauty culture school  
 11 license, or any other license. If the State Board of Barber  
 12 Examiners and the Texas Cosmetology Commission license the same  
 13 facility, the commission may not adopt rules restricting or  
 14 prohibiting the practice by a cosmetologist in the facility.

15 SECTION 2. Article 8403, Revised Statutes, is amended to  
 16 read as follows:

17 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
 18 barber shop, specialty shop, or barber school [~~er--beauty--parlor~~]  
 19 shall equip and keep equipped the same with facilities and supplies  
 20 and with all such appliances, furnishings and materials as may be  
 21 necessary to enable persons employed in and about the same to  
 22 comply with the law.

23 SECTION 3. Article 8404, Revised Statutes, is amended to  
 24 read as follows:

25 Art. 8404. EMPLOYEE [EMPLOYEE] WITH DISEASE. No owner,  
 26 operator or manager of a barber shop, specialty shop, or barber

1 school [~~er~~a-beauty--~~parlor~~] shall knowingly permit any person  
2 suffering from a communicable skin disease or from a venereal  
3 disease to act as a barber or employee [~~employee~~] or work or be  
4 employed in the [~~said~~] shop or school [~~parlor~~]. No person who to  
5 his own knowledge is suffering from a communicable disease or from  
6 venereal disease shall act as a barber or work or be employed in a  
7 [~~said~~] shop or school [~~parlor~~].

8 SECTION 4. Article 8405, Revised Statutes, is amended to  
9 read as follows:

10 Art. 8405. CLEANLINESS. Every person in charge of a barber  
11 shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep  
12 said shop or school [~~parlor~~] and all furniture, tools, appliances  
13 and other equipment used therein at all times in a cleanly  
14 condition, and shall cause all combs, hair brushes, hair dusters  
15 and similar articles used therein to be washed thoroughly at least  
16 once a day and to be kept clean at all times, and shall cause all  
17 mugs, shaving brushes, razors, shears, scissors, clippers and  
18 tweezers used therein to be sterilized at least once after each  
19 time used as hereinafter provided. The term "persons affected by  
20 this chapter" shall include any person working or employed in a  
21 barber shop, specialty shop, or barber school [~~beauty--parlor~~] or  
22 acting as a barber, wig [~~beauty~~] specialist or manicurist. Every  
23 barber or other person affected by this chapter, immediately after  
24 using a mug, shaving brush, razor, scissors, shears, clippers, or  
25 tweezers, for the service of any person, shall sterilize the same  
26 by immersing it in boiling water for not less than a minute, or in

1 the case of a razor, scissors, shears or tweezers, by immersing it  
2 for not less than ten minutes in a five per cent aqueous solution  
3 of carbolic acid. No barber or other person affected by this  
4 chapter shall:

5 1. Use for the service of any customer a comb, hair brush,  
6 hair duster or any similar article that is not thoroughly clean,  
7 nor any mug, shaving brush, razor, shears, scissors, clippers, or  
8 tweezers, that are not thoroughly clean or that have not been  
9 sterilized since last used.

10 2. Serve any customer unless he shall immediately before  
11 such service cleanse his hands thoroughly.

12 3. Use for the service of a customer any towel or wash cloth  
13 that has not been boiled and laundered since last used.

14 4. To stop the flow of blood use the same piece of alum or  
15 other material for more than one person.

16 5. Shave any person when the surface to be shaved is  
17 inflamed or broken out or contains pus, unless such person be  
18 provided with a cup, razor and lather brush for his individual use.

19 6. Permit any person to use the head rest of any barber's  
20 chair under his control until after the head rest has been covered  
21 with a towel that has been washed and boiled since having been used  
22 before, or by clean new paper or similar clean substance.

23 7. Use a powder puff or a sponge in the service of a  
24 customer unless it has been sterilized since last used.

25 8. Use a finger bowl unless it has been sterilized since  
26 last used and fresh water or other liquid placed therein.

1        9. Serve a customer without the use of a sanitized neck  
2 strip, cloth towel, or paper towel between the customer and the  
3 chair cloth.

4        10. Bring an animal into a shop or school, or allow an  
5 animal to remain in a shop or school, unless the animal is a  
6 trained dog used to assist a handicapped person or is used as a  
7 guard dog for security purposes.

8        SECTION 5. Article 8406, Revised Statutes, is amended to  
9 read as follows:

10        Art. 8406. NO PLACE TO SLEEP. (a) No owner or manager of  
11 any barber shop, specialty shop, or barber school [~~beauty--parlor~~]  
12 shall permit any person to sleep in any room used wholly or in part  
13 as such shop or school [~~parlor~~], and no person shall pursue the  
14 barber business or be employed in a barber shop, specialty shop, or  
15 barber school [~~beauty-parlor~~] in any room used as [a] sleeping  
16 quarters [~~apartment~~].

17        (b) If located in the same building with any business other  
18 than a beauty salon, a barber shop, specialty shop, or barber  
19 school must be separated from the other business by a solid wall  
20 and must have a separate entrance.

21        SECTION 6. Section 2, Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
23 Vernon's Texas Civil Statutes), is amended to read as follows:

24        Sec. 2. Unless [~~From-and-after-the-effective--date--of--this~~  
25 ~~Act,--unless~~] duly licensed and registered in accordance with all  
26 laws of this state regulating the practice of barbering, no person

shall:

(a) practice, continue to practice, offer, or attempt to practice barbering or any part thereof;

(b) directly or indirectly, employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations thereof, as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "barber," "barbering," "barber school," "barber college," "barber shop," "barber salon," or "specialty shop"; or

(c) directly or indirectly, employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice barbering or own or manage any barber shop, specialty shop, or barber school or college.

SECTION 7. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. DEFINITIONS. In this Act, unless the context otherwise requires:

(a) "barber" shall mean any person who performs, offers, or attempts to perform any act of barbering, professes to do barbering or to be engaged in the practice thereof, or who directly or indirectly or in any manner whatsoever advertises or holds himself

1 out as a barber or as authorized to practice barbering;

2 (b) "barbering," "practicing barbering," or the "practice of  
3 barbering" shall mean the performing or doing, or offering or  
4 attempting to do or perform, any, all or any combination of the  
5 following acts, services, works, treatments, or undertakings:

6 (1) arranging, beautifying, coloring, processing, shaving,  
7 styling, or trimming the mustache or beard by any means or method;

8 (2) arranging, beautifying, bleaching, cleansing, coloring,  
9 curling, dressing, dyeing, processing, shampooing, shaping,  
10 singeing, straightening, styling, tinting, waving, or otherwise  
11 treating the hair as primary services, treatments, or undertakings  
12 by any means or method, including any bobbing, clipping, cutting,  
13 or trimming of the hair as a necessary incident preparatory or  
14 ancillary to such primary services;

15 (3) cutting the hair as a primary service, treatment, or  
16 undertaking and not as a necessary incident preparatory or  
17 ancillary to those primary services enumerated in Section 4(b)(2),  
18 or primarily engaging in the occupation of cutting hair or  
19 practicing primarily as a haircutter by cutting hair as a separate  
20 and independent service, treatment, or undertaking for which  
21 haircut a charge is made, as such, separate and apart from any  
22 other service, treatment, or undertaking, directly or indirectly,  
23 or in any manner whatsoever;

24 (4) cleansing, stimulating, or massaging the scalp, face,  
25 neck, arms, shoulders, or that part of the body above the  
26 shoulders, by means of the hands, devices, apparatuses, or



1 appliances, with or without the use of cosmetic preparations,  
2 antiseptics, tonics, lotions, or creams;

3 (5) beautifying the face, neck, arms, shoulders, or that  
4 part of the body above the shoulders, by the use of cosmetic  
5 preparations, antiseptics, tonics, lotions, powders, oils, clays,  
6 creams, or appliances;

7 (6) cutting, trimming, polishing, tinting, coloring,  
8 cleansing, [er] manicuring, or pedicuring the nails of any person  
9 or attaching false nails;

10 (7) massaging, cleansing, treating, or beautifying the hands  
11 of any person;

12 (8) administering facial treatments;

13 (9) hair weaving;

14 (10) shampooing or conditioning hair;

15 (11) servicing a wig, toupee, or artificial hairpiece on a  
16 human head or on a block, subsequent to the initial retail sale by  
17 any of the acts, services, works, treatments, or undertakings  
18 enumerated in Section 4(b)(2) of this Act;

19 (12) advertising or holding out to the public by any manner  
20 whatsoever that any person is a barber or authorized to practice  
21 barbering;

22 (13) advertising or holding out to the public by any manner  
23 whatsoever that any location or place of business is a barber shop,  
24 barber school, barber college, or barber salon;

25 (14) receiving any fee, salary, compensation, or financial  
26 benefit, or the promise of any fee, salary, compensation, or

1 financial benefit, for performing, doing, offering, or attempting  
2 to perform or do any act, work, service, or thing, which is any  
3 part of the practice of barbering as herein defined;

4 (c) "Manicurist specialty shop" shall mean any place where  
5 only the practice of barbering as defined by Sections 4(b)(6) and  
6 (7) of this Act is performed for compensation;

7 (d) "wig specialty shop" shall mean any place where only the  
8 practice of barbering as defined by Section 4(b)(11) of this Act is  
9 performed for compensation;

10 (e) "barber shop" or "barber salon" shall mean any place  
11 where barbering is practiced, offered, or attempted to be practiced  
12 except when such place is duly licensed as a barber school or  
13 college;

14 (f) [~~f~~] "board" shall mean the State Board of Barber  
15 Examiners as established and provided for in the Texas Barber Law;

16 (g) [~~e~~] "certificate" shall mean a certificate of  
17 registration issued by the board in accordance with the provisions  
18 of this Act;

19 (h) [~~f~~] "license" shall mean any license issued by the  
20 board in accordance with the provisions of this Act;

21 (i) [~~g~~] "manager" shall mean any person who controls or  
22 directs the business affairs of a barber shop or directs the work  
23 of a person employed in a barber shop or both;

24 (j) [~~h~~] "permit" shall mean any permit issued by the board  
25 in accordance with the provisions of this Act;

26 (k) [~~i~~] "person" shall mean any individual, association,

1 firm, corporation, partnership, or other legal entity.

2 (1) [(†)] In addition to the foregoing definitions, the  
3 board shall have authority to define by rule any words or terms  
4 necessary in the administration or enforcement of this Act.

5 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
6 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
7 Vernon's Texas Civil Statutes), is amended to read as follows:

8 Sec. 6. EXEMPTIONS. The following persons shall be exempt  
9 from the provisions of this Act, provided such persons are not  
10 represented, advertised, or held out to the public, directly or  
11 indirectly, or in any manner whatsoever, as barbers, journeymen  
12 barbers, barber technicians or under any name, title, or  
13 designation indicating such person is authorized to practice by  
14 authority of any license or permit issued by the board:

15 (a) physicians, osteopaths, and registered nurses licensed  
16 and regulated by the State of Texas while operating within the  
17 scope of the license;

18 (b) commissioned or authorized medical or surgical officers  
19 of the United States Army, Navy, or Marine Hospital Service;

20 (c) persons licensed or practicing by authority of the Texas  
21 Cosmetology Commission under the provisions of Chapter 1036, Acts  
22 of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
23 Vernon's Texas Civil Statutes), so long as such persons practice  
24 within the scope of the license or permit duly issued by the Texas  
25 Cosmetology Commission.

26 SECTION 9. Section 7, Chapter 65, Acts of the 41st

Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a Class A registered barber:

(a) being at least 16 [~~16-1/2~~] years of age;

(b) successfully passing a written and practical examination demonstrating to the satisfaction of the board the applicant's fitness and competence to practice the art and science of barbering.

SECTION 10. Section 9, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. (a) Any person desiring to conduct or operate a barber school or college in this state shall first obtain a permit from the board after demonstrating that said school or college has first met the requirements of this section. Said permit shall be prominently displayed at all times at such school or college. [~~No such--school--or--college--shall--be--approved--unless--such--school--or--college--requires--as--a--prerequisite--to--graduation--a--course--of--instruction--of--not--less--than--1,500--hours--as--determined--by--the--board,--to--be--completed--within--a--period--of--not--less--than--nine--months,--for--a--Class-A--certificate,--and--at--least--800--hours--of--such--course--of--instruction--shall--be--in--the--actual--practice--of--cutting--hair--as--a--primary--service--in--accordance--with--the--definition--set--forth--in--Section--4(b)(3)--of--this--Act.~~] No certificate or permit

shall be issued as provided for herein to an applicant to be a student in such a school or college unless said applicant has completed at least a seventh grade education and such other requirements as shall be specified by the board. The board may not approve a barber school or college unless the school or college requires the following hours of instruction as a prerequisite for graduation:

(1) Class A barber--1,500 hours of instruction completed in a course of not less than nine months, with not less than 800 hours in the actual practice of cutting hair as a primary service;

(2) barber technician--150 hours of instruction completed in a course of not less than four weeks;

(3) wig instructor--200 hours of instruction completed in a course of not less than eight weeks;

(4) wig specialist--300 hours of instruction completed in a course of not less than eight weeks;

(5) manicurist--150 hours of instruction completed in a course of not less than four weeks; and

(6) teacher--1,000 hours of instruction completed in a course of not less than six months. [Provided,--however,--that--any person--licensed--as--a--Class--A--registered--barber--or--registered assistant--barber--as--of--the--effective--date--of--this--Act--shall--be considered--qualified--to--perform--any--acts--or--services--within--the scope--of--the--definition--of--barbering--and--shall--be--entitled--to--any or--all--licenses,--certificates,--or--permits--which--the--board--is authorized--to--issue--on--payment--of--the--required--fees--but--without

1 ~~meeting-further-educational-or-experience-requirements-]~~

2 (b) If a school or college offers a refresher course, that  
3 course must require at least 300 hours of instruction. The Board  
4 by rule shall set the curriculum for a refresher course.

5 (c) Such schools or colleges shall instruct students in the  
6 theory and practice of such subjects as may be necessary and  
7 beneficial in the practice of barbering, including the following:  
8 scientific fundamentals of barbering; hygienic bacteriology,  
9 histology of the hair, skin, muscles, and nerves; structure of the  
10 head, neck and face; elementary chemistry relating to sterilization  
11 and antiseptics; common disorders of the skin and hair; massaging  
12 muscles of the scalp, face, and neck; hair-cutting; shaving,  
13 shampooing, and bleaching and dyeing of the hair; manicuring,  
14 administering facial treatments, hair weaving, servicing wigs, or  
15 any other skills, techniques, services, treatments, or undertakings  
16 within the definition of the practice of barbering provided for in  
17 this Act.

18 (d) ~~[(e)]~~ No barber school or college which issues "Class A"  
19 certificates shall be approved by the Board for the issuance of a  
20 permit unless said school or college has the following:

21 (1) An adequate school site housed in a substantial building  
22 of a permanent-type construction containing a minimum of not less  
23 than two thousand, eight hundred (2,800) square feet of floor  
24 space. Such space shall be divided into the following separate  
25 departments: a senior department, a junior department, a class  
26 theory room, a supply room, an office space, a dressing and cloak

1 room, and two (2) sanitary, modern separate rest rooms, equipped  
2 with one (1) commode each and a urinal in one (1) rest room.

3 (2) A hard-surface floor covering of tile or other suitable  
4 material.

5 (3) A minimum of twenty (20) modern barber chairs with  
6 cabinet and mirror for each chair.

7 (4) One (1) lavatory in back of each two (2) chairs.

8 (5) A liquid sterilizer for each chair.

9 (6) An adequate number of latherizers, vibrators, and hair  
10 dryers for the use of students.

11 (7) Adequate lighting of all rooms.

12 (8) At least twenty (20) classroom chairs, a blackboard,  
13 anatomical charts of the head, neck and face, and one (1) barber  
14 chair in the class theory room.

15 (9) A library and library facilities available to students,  
16 containing a medical dictionary and a standard work on the human  
17 anatomy.

18 (10) Adequate drinking fountain facilities, but at least one  
19 (1) to each floor.

20 (11) Adequate toilet facilities for the students.

21 (12) Adequate fire-fighting equipment to be maintained in  
22 case of emergency.

23 (e) [~~(d)~~] Anything to the contrary in this Act  
24 notwithstanding, each such school shall place a sign on the front  
25 outside portion of its building in a prominent place. Such sign  
26 shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum

1 size of ten-inch block letters. Printed signs containing the  
2 foregoing information shall be prominently displayed upon each  
3 inside wall of the establishment.

4 (f) [~~e~~] A minimum of five (5) hours a [~~one-hour-periods-of~~  
5 ~~each~~] week must [~~shall~~] be devoted to the instruction of theory in  
6 the classroom, with Saturdays [~~being~~] devoted exclusively to  
7 practical work over the chair. If classes are conducted five (5)  
8 days a week, one (1) hour each day must be devoted to instruction  
9 in theory. If classes are conducted four (4) days a week, one (1)  
10 hour and fifteen (15) minutes each day must be devoted to  
11 instruction in theory. An attendance record book must be  
12 maintained by the school showing a record of the students' daily  
13 attendance. These records are subject to inspection at any and all  
14 times by the Board.

15 (g) [~~f~~] No barber school or college which issues "Class A"  
16 certificates shall be approved by the Board unless it is under the  
17 direct supervision and control of a barber who holds a current  
18 registered "Class A" certificate to practice barbering under the  
19 Texas Barber Law, and who can show evidence of at least five (5)  
20 years experience as a practicing barber. Each school shall have at  
21 least one (1) teacher who has a teacher's certificate issued by the  
22 Board upon examination and who is capable and qualified to teach  
23 the curriculum outlined herein to the students of such school. All  
24 such teachers are required to obtain a teacher's certificate from  
25 the Board and, in addition to requirements set forth by the Board,  
26 must meet the following requirements:



1           (1) Demonstrate their ability to teach the said curriculum  
2 outlined herein through a written and practical test to be given by  
3 the Board.

4           (2) Hold a current certificate as a registered "Class A"  
5 barber under this law.

6           (3) Demonstrate to the Board that such applicant is  
7 qualified to teach and instruct, to be determined at the discretion  
8 of the Board, and show evidence that the applicant has had at least  
9 six (6) months experience as a teacher in an approved school or  
10 college in Texas or in another state approved by the Board, or have  
11 completed 1,000 hours of instruction in a [six-month] postgraduate  
12 course as a student teacher in an approved barber school or college  
13 in Texas.

14           (h) A licensed barber who presents evidence satisfactory to  
15 the Board of at least five (5) years' experience as a practicing  
16 barber in a barber shop operating under a permit issued by the  
17 Board, with not less than two (2) years' experience occurring in  
18 the period immediately before application, is also entitled to  
19 apply to take the examination for a teacher's certificate.

20 Applicants desiring an examination for a teacher's certificate  
21 shall make an application to the Board and accompany same with an  
22 examination fee not to exceed \$70. A new application and fee must  
23 be presented for each examination taken by the applicant and fees  
24 paid are not refundable. A teacher's certificate shall be issued  
25 upon satisfactory completion of the examination and payment of a  
26 certificate fee not to exceed \$70 if the applicant fulfills the

1 requirements during the period from November 1 of an odd-numbered  
2 year and extending through October 31 of the following  
3 even-numbered year or not to exceed \$35 if the applicant fulfills  
4 the requirements during the period from November 1 of an  
5 even-numbered year and extending through October 31 of the  
6 following odd-numbered year. Teacher's certificates shall be  
7 renewed biennially on or before November 1st of odd-numbered years  
8 upon the payment of a renewal fee not to exceed \$70.

9 (i) [~~g~~] In addition to a minimum of one (1) teacher  
10 required in paragraph (3) above, each barber school or college  
11 which issues "Class A" certificates shall maintain at least one (1)  
12 qualified instructor, holding a registered "Class A" certificate,  
13 for each twenty (20) students or any fraction thereof for  
14 instruction in practical work; provided, however, that a teacher  
15 can also serve as an instructor in practical work in addition to  
16 his position as a theory teacher. A barber school or college may  
17 enroll one (1) student teacher for each licensed teacher who  
18 teaches at the school or college. A student teacher must  
19 concentrate on teaching skills and may not be booked with  
20 customers. Violation of this requirement constitutes a ground for  
21 the revocation of the person's student teacher barber license.

22 (j) [~~h~~] No barber school or college shall be issued a  
23 permit to operate under the provisions of this Section until it has  
24 first furnished the following evidence to the Board:

25 (1) A detailed drawing and chart of the proposed physical  
26 layout of such school, showing the departments, floor space,

1 equipment, lights and outlets.

2 (2) Photographs of the proposed site for such school  
3 including the interior and exterior of the building, rooms and  
4 departments.

5 (3) A detailed copy of the training program.

6 (4) A copy of the school catalog and promotional literature.

7 (5) A copy of the building lease or proposed building lease  
8 where the building is not owned by the school or college.

9 (6) A sworn statement showing the true ownership of the  
10 school or college.

11 (7) A permit fee not to exceed \$1,000.

12 (k) No such school or college shall be operated and no  
13 students shall be solicited or enrolled by it until the Board shall  
14 determine that the school has been set up and established in  
15 accordance with this Section and the proposal submitted to the  
16 Board and approved by it prior to the issuance of a permit. Any  
17 such school or college must obtain renewal of its certificate by  
18 September 1st each year by the payment of an annual renewal fee not  
19 to exceed \$300.

20 (l) [~~h~~] When a barber school or college changes ownership,  
21 the Board shall be notified of the transfer within ten (10) days  
22 from the date of such change.

23 (m) [~~h~~] Any school or college desiring to change the  
24 location of such school or college must first obtain approval by  
25 the Board by showing that the proposed location meets the  
26 requirements of this Section.

1        (n) [~~(k)~~] If said Board refuses to issue a permit to any  
2 such school or college, such school or college may by written  
3 request demand the reasons for said refusal and if said school or  
4 college shall thereupon meet said requirements and makes a showing  
5 that the requirements of this law have been complied with, then if  
6 said Board refuses to issue said permit, a suit may be instituted  
7 by such school or college in any of the District Courts of Travis  
8 County, Texas, to require said Board to issue such permit. Any  
9 such suit must be filed within twenty (20) days after the final  
10 order of said Board refusing to issue such permit is entered,  
11 provided registered notice is mailed or it is otherwise shown that  
12 said school or college has notice within ten (10) days from the  
13 entering or making of said order.

14        (o) [~~(l)~~] In the event such school or college after a permit  
15 is issued to it violates any of the requirements of this law,  
16 either directly or indirectly, then said Board shall suspend or  
17 revoke the permit of any such school or college. Before suspending  
18 or revoking any such permit, said Board must give such school or  
19 college a hearing, notice of which hearing shall be delivered to  
20 such school or college at least twenty (20) days prior to the date  
21 of said hearing. If said Board suspends or revokes said permit at  
22 said hearing, then such school or college may file suit to prevent  
23 the same or to appeal from said order. Any and all suits filed  
24 hereunder shall be filed within twenty (20) days from the date of  
25 the order of said Board in any of the District Courts of Travis  
26 County, Texas, and not elsewhere, and the order shall not become

1 effective until said twenty (20) days has expired.

2       (p) [~~(m)~~] The Attorney General or any District or County  
3 Attorney may institute any injunction proceedings or such other  
4 proceeding as to enforce the provisions of this Act, and to enjoin  
5 any barber, assistant barber, or school or college from operating  
6 without having complied with the provisions hereof, and each shall  
7 forfeit to the State of Texas the sum of Twenty-five Dollars (\$25)  
8 per day as a penalty for each day's violation, to be recovered in a  
9 suit by the District or County Attorney, and/or the Attorney  
10 General.

11       SECTION 11. Section 13, Chapter 65, Acts of the 41st  
12 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
13 Vernon's Texas Civil Statutes), is amended to read as follows:

14       Sec. 13. Any person who is at least sixteen [~~and-one-half~~]  
15 years of age, and who has a diploma showing graduation from a  
16 seven-grade grammar school, or its equivalent as determined by an  
17 examination conducted by the Board, and either

18       (a) Has a license or certificate of registration as a  
19 practicing barber from another State or country, which has  
20 substantially the same requirements for licensing or registering  
21 barbers as required by this Act, or

22       (b) Who can prove by personal affidavit that he has  
23 practiced as a barber in another State for at least two years  
24 immediately prior to making application in this State, and who  
25 possesses the qualifications required by this Act, shall, upon  
26 payment of the required fee, be issued a permit to practice as a

1 journeyman barber only until he is called by the Board of Barber  
2 Examiners to determine his fitness to receive a certificate of  
3 registration to practice barbering. Should such applicant fail to  
4 pass the required examination he shall be allowed to practice as a  
5 journeyman barber until he is called by the Board for the next term  
6 of examination. Should he fail at the examination he must cease to  
7 practice barbering in this State.

8 SECTION 12. Section 14, Chapter 65, Acts of the 41st  
9 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
10 Vernon's Texas Civil Statutes), is amended to read as follows:

11 Sec. 14. (a) Any person ~~[assistant-barber]~~ who is at least  
12 sixteen ~~[and--one-half]~~ years of age and who has a diploma showing  
13 graduation from a seventh grade grammar school, or an equivalent  
14 education as determined by ~~[an-examination-conducted-by]~~ the Board,  
15 and who has ~~[a-certificate-of-registration-as-an-assistant-barber~~  
16 ~~in-a-State-or-country-which-has-substantially-the-same-requirements~~  
17 ~~for-registration-as-an-assistant-barber-as-is-provided-for-by--this~~  
18 ~~Act,--shall--upon-payment-of-the-required-fee-be-issued-a-permit-to~~  
19 ~~work-as-an-assistant-barber-until-called-by-the-Board-of--Examiners~~  
20 ~~for--examination--to-determine-his-fitness-to-receive-a-certificate~~  
21 ~~of-registration-as-an-assistant-barber.--Should-such-person-be-able~~  
22 ~~to-pass-the-required-examination,--he-will-be-issued--a--certificate~~  
23 ~~of-registration-as-a-registered-assistant-barber,--and-that-the-time~~  
24 ~~spent--in--such-other-State-or-country-as-an-assistant-barber-shall~~  
25 ~~be-credited-upon-the-period-of-assistant-barber--required--by--this~~  
26 ~~Act--as--a--qualification--to-take-the-examination-to-determine-his~~

~~fitness-to-receive-a-certificate-of-registration--as--a--registered  
barber-~~

[~~(b)--Any-person-who-has~~] spent at least 30 working days at a licensed barber school or college as a barber's technician including the study of shampooing, shampoos, manipulations, making appointments, preparing patrons, sterilizing tools, and the study of sterilization and the barber laws is entitled to a license as a barber technician on satisfactory completion of an examination prescribed by the Board [~~may-be-licensed-to-practice-as-a--barber's technician~~].

(b) Any licensed barber's technician may assist the barber in shampooing and sterilizing in a barber shop and shall work under the personal supervision of a registered Class A barber.

SECTION 13. Section 15, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. (a) A person holding a manicurist specialty license issued by the board may perform for compensation only the practice of barbering defined in Section 4(b)(6) and Section 4(b)(7) of this Act.

(b) An applicant for a manicurist specialty license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 150 hours instruction in manicuring.

(c) The application shall be made on a form prescribed by the board and a \$5 [~~manicurist~~] administration fee must accompany the application. The application and fee shall be filed at least

10 days prior to the date set for the examination.

(d) The applicant is entitled to a manicurist specialty license if such applicant possesses the qualifications enumerated in Section 15(b), satisfactorily completes the examination, pays a license fee not to exceed \$30, and has not committed an act which constitutes grounds for denial of a license under this Act.

SECTION 14. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 15A to read as follows:

Sec. 15A. (a) Except as provided by Subsection (b) of this section, a person may not own, operate, or manage a manicurist specialty shop unless the person holds a manicurist specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued.

(b) Not later than the third day after the date on which a person opens a manicurist specialty shop, the person must submit a written application to the board for a temporary permit. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board.

(c) The board shall issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist specialty license and whose shop meets:



1       (1) the minimum health standards required by the Texas  
2 Department of Health for manicurist specialty shops, as determined  
3 by a board inspection; and

4       (2) any additional requirements imposed by board rule.

5       (d) A person who holds a manicurist specialty shop permit  
6 may maintain an establishment in which only the practice of  
7 barbering, as defined by Subdivision (6) or (7), Section 4(b), of  
8 this Act, is performed for compensation. A manicurist specialty  
9 shop may be operated only under the direction of a person who holds  
10 a valid manicurist specialty license.

11       (e) The holder shall display the permit in a conspicuous  
12 place in the shop for which the permit is issued. A permit issued  
13 under this section is not transferable. If the ownership of a  
14 manicurist specialty shop is transferred to another person, the  
15 shop may continue in operation if the new owner applies for and  
16 obtains a new permit not later than the 30th day after the date on  
17 which ownership is transferred.

18       (f) A person who holds a license, permit, or certificate  
19 issued by the Texas Cosmetology Commission may not practice under  
20 that authority at a manicurist specialty shop regulated under this  
21 Act.

22       (g) A permit issued under this section expires July 1 of  
23 each odd-numbered year. A holder may renew the permit by  
24 submitting a renewal application to the board, accompanied by a  
25 renewal fee set by the board not to exceed \$50.

26       (h) A holder of a permit issued under this section may move

the manicurist specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur.

SECTION 15. Section 16, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 16. (a) A person holding a wig specialist license issued by the board may perform for compensation only the practice of barbering defined in Section 4(b)(11) of this Act.

(b) An applicant for a wig specialist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 300 hours of instruction in the care and treatment of wigs.

(c) The application shall be made on a form prescribed by the commission and a \$5 administration fee must accompany the application. The application and fee must be filed at least 10 days prior to the date set for the examination.

(d) The applicant is entitled to a wig specialist license if he possesses the qualifications enumerated in Subsection (b) of this section, satisfactorily completes the examination, pays a license fee not to exceed \$30, and has not committed an act which constitutes grounds for revocation of a license under this Act.

~~[(e) Any person who at the time this Act takes effect holds a cosmetology license or manicurist license issued by the cosmetology commission may make application for and upon paying the~~

1 ~~fee-be-granted-a-manicurist-license-by--the--barber--board--without~~  
2 ~~examination- ]~~

3 SECTION 16. Section 18, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
5 Vernon's Texas Civil Statutes), is amended to read as follows:

6 Sec. 18. (a) Except as provided by Subsection (b) of this  
7 section, a person may not own, operate, or manage a wig specialty  
8 shop unless the person holds a wig specialty shop permit issued by  
9 the board. A person may operate under a temporary permit issued by  
10 the board until a permanent permit is issued. [A-person-holding--a  
11 wig-salon-license-issued-by-the-board-may-maintain-an-establishment  
12 in--which--only--the--practice--of--barbering-as-defined-in-Section  
13 4(b)(11)-of-this-Act-is-performed-for-compensation- ]

14 (b) Not later than the third day after the date on which a  
15 person opens a wig specialty shop, the person must submit a written  
16 application to the board for a temporary permit. The application  
17 must be accompanied by an inspection fee set by the board in an  
18 amount not to exceed \$50. The application must include the address  
19 of the shop, a legal description of the premises for which the  
20 permit is sought, and any other information required by the board.  
21 [An--applicant--for-a-wig-salon-license-shall-submit-an-application  
22 on-a-form-prescribed-by-the-board--The-application--shall--contain  
23 proof--of--the-particular-requisites-for-a-wig-salon-as-established  
24 by-the-board-and-shall-be-verified-by-the-applicant- ]

25 (c) The board shall issue a wig specialty shop permit to an  
26 applicant who holds a valid wig specialty license and whose shop

1 meets:

2 (1) the minimum health standards required by the Texas  
 3 Department of Health for wig specialty shops, as determined by a  
 4 board inspection; and

5 (2) any additional requirements imposed by board rule. [The  
 6 applicant-is-entitled-to-a-wig-salon--license--if--the--application  
 7 shows--compliance--with--the--rules-and-regulations-of-the-board,-a  
 8 license-fee-not-to-exceed-\$50-is-paid,-and-such-applicant--has--not  
 9 committed--an--act--which--constitutes--grounds-for-revocation-of-a  
 10 license-under-this-Act-]

11 (d) A person who holds a wig specialty shop permit may  
 12 maintain an establishment in which only the practice of barbering,  
 13 as defined by Section 4(b)(11) of this Act, is performed for  
 14 compensation. A wig specialty shop may be operated only under the  
 15 direction of a person who holds a valid wig specialty license.

16 (e) The holder shall display the permit in a conspicuous  
 17 place in the shop for which the permit is issued. A permit issued  
 18 under this section is not transferable. If the ownership of a wig  
 19 specialty shop is transferred to another person, the shop may  
 20 continue in operation if the new owner applies for and obtains a  
 21 new permit not later than the 30th day after the date on which  
 22 ownership is transferred.

23 (f) A person who holds a license, permit, or certificate  
 24 issued by the Texas Cosmetology Commission may not practice under  
 25 that authority at a wig specialty shop regulated under this Act.

26 (g) A permit issued under this section expires July 1 of

1 each odd-numbered year. A holder may renew the permit by  
 2 submitting a renewal application to the board, accompanied by a  
 3 renewal fee set by the board not to exceed \$50.

4 (h) A holder of a permit issued under this section may move  
 5 the wig specialty shop to a different location if the holder  
 6 receives board approval of the new location. The holder must  
 7 notify the board of the move not later than the 10th day before the  
 8 date on which the move is scheduled to occur.

9 SECTION 17. Section 18.1, Chapter 65, Acts of the 41st  
 10 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
 11 Vernon's Texas Civil Statutes), is amended to read as follows:

12 Sec. 18.1. (a) A person holding a wig school permit  
 13 [license] issued by the board may maintain an establishment in  
 14 which only the practice of barbering as defined in Section 4(b)(11)  
 15 of this Act is taught for compensation.

16 (b) An applicant for a wig school permit [license] shall  
 17 submit an application on a form prescribed by the board. The  
 18 application shall contain proof of the particular requisites for a  
 19 wig school as established by the board and shall be verified by the  
 20 applicant.

21 (c) The applicant is entitled to a wig school permit  
 22 [license] if the application shows compliance with the rules and  
 23 regulations of the board, a \$100 permit [license] fee is paid, and  
 24 applicant has not committed an act which constitutes grounds for  
 25 revocation of a license or permit under this Act.

26 SECTION 18. Section 20, Chapter 65, Acts of the 41st

Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. (a) Each certificate of registration or license issued under this Act expires two years from the date of issuance. Each registered Class A barber, barber technician, teacher, wig instructor, wig specialist, manicurist, or other licensed specialist who continues in active practice or service must renew the certificate or license on or before the expiration date. The Board shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the Board, accompanied by the renewal fee set by the Board in the amount for an original certificate or license, but not to exceed \$70. [Every registered--Class--A--barber-and-barber-technician-who-continues-in active--practice--or--service--shall--renew--his---certificate---of registration--on--or--before-November-1-of-odd-numbered-years--The Board-of-Barber-Examiners-shall-issue-the-renewal-certificate--upon payment--of--a--biennial--renewal--fee--not--to--exceed-\$70--Every certificate-of-registration-which-has-not--been--renewed--prior--to that-date-shall-expire-on-November-1-of-that-year.]

(b) A Class A registered barber or other licensee, whose certificate of registration or license has expired, may, within 30 days thereafter, and not later, have his certificate of registration or license restored by applying to the Board and paying the biennial renewal fee set by the Board [upon-making-a satisfactory-showing--to--the--Board,--supported--by--his--personal affidavit,--which--in--the--opinion--of--the-Board,--will-excuse-the

1 applicant-for-having-failed-to-renew--his--certificate--within--the  
2 time-required-by-this-Act].

3 (c) Any registered barber or licensee whose certificate of  
4 registration or license has been expired for not [~~who-retires--from~~  
5 ~~the--practice--of--barbering--for-not~~] more than five (5) years may  
6 reinstate the [~~renew-his~~] certificate of registration or license by  
7 making proper showing to the Board, supported by his personal  
8 affidavit, which, in the opinion of the Board, would justify the  
9 Board in issuing a certificate or license to such applicant as upon  
10 an original application upon payment of a fee equal to the amount  
11 of the original certificate or license fee, plus a delinquency fee  
12 of \$30 for each year or part of a year that the certificate or  
13 license has been expired [~~not--to--exceed--\$70-if-the-applicant~~  
14 ~~applies-during-the-period-from-November-1-of-an--odd-numbered--year~~  
15 ~~and--extending--through--October--31-of-the-following-even-numbered~~  
16 ~~year-not-to-exceed-\$35-if-the-applicant-applies-during--the--period~~  
17 ~~from--November--1--of--an--even-numbered-year-and-extending-through~~  
18 ~~October-31-of-the-following-odd-numbered-year~~].

19 (d) Any registered barber or licensee who retires from [~~the~~]  
20 practice and whose certificate of registration or license has been  
21 expired [~~of-barbering~~] for more than five (5) years may qualify for  
22 a new [~~renew-his~~] certificate of registration or license by making  
23 application to the Board and by making proper showing to the Board,  
24 supported by his personal affidavit, and by paying an examination  
25 fee not to exceed \$70, passing a satisfactory examination conducted  
26 by the Board, and paying the [~~a--license~~] fee for an original

1 certificate of registration or license [~~not-to-exceed--\$50--if--the~~  
2 ~~applicant-fulfills-the-requirements-during-the-period-from-November~~  
3 ~~1--of--an-odd-numbered-year-and-extending-through-October-31-of-the~~  
4 ~~following-even-numbered-year-or-not-to-exceed-\$25-if-the--applicant~~  
5 ~~fulfills--the--requirements-during-the-period-from-November-1-of-an~~  
6 ~~even-numbered--year--and--extending--through--October--31--of---the~~  
7 ~~following-odd-numbered-year~~].

8 SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
9 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
10 Vernon's Texas Civil Statutes), is amended to read as follows:

11 Sec. 20a. Any registered barber, [~~registered--assistant~~  
12 ~~barber--or~~] barber technician, teacher, manicurist, or wig  
13 specialist shall not be required to renew his certificate of  
14 registration while serving on active duty in the military, air or  
15 naval forces of the United States, and the Board shall issue a  
16 renewal certificate upon application and payment of a renewal fee  
17 within ninety (90) days from the date such registered barber,  
18 [~~registered--assistant--barber,--or~~] barber technician, teacher,  
19 manicurist, or wig specialist is released or discharged from active  
20 duty in the armed forces. The renewal fee shall be:

21 (1) Ten Dollars (\$10) if the application and payment is made  
22 during the period from November 1 of an odd-numbered year and  
23 extending through October 31 of the following even-numbered year;

24 (2) Five Dollars (\$5) if the application and payment is made  
25 during the period from November 1 of an even-numbered year and  
26 extending through October 31 of the following odd-numbered year.



SECTION 20. Subsections (b) and (c), Section 23, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The fees to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering[~~7--to-practice-as-an-assistant barber7~~] or to practice as a barber technician shall be \$10.

(c) The fees to be paid to the Board by an applicant who has satisfactorily passed the examination and complied with the other provisions of this Act to receive a certificate of registration to practice barbering[~~7--to-practice-as-an--assistant--barber7~~] or to practice as a barber technician shall be set by the Board in an amount not to exceed \$70[-

~~[ (1)--an-amount-not-to-exceed-\$70-if-the--applicant--fulfills the---requirements---during--the--period--from--November--1--of--an odd-numbered-year-and-extending-through-October-31-of-the-following even-numbered-year7-or~~

~~[ (2)--an-amount-not-to-exceed-\$35-if-the--applicant--fulfills the---requirements---during--the--period--from--November--1--of--an even-numbered--year--and--extending--through--October--31--of---the following-odd-numbered-year].~~

SECTION 21. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. Each of the following offenses shall constitute a

1 misdemeanor punishable upon conviction in a court of competent  
2 jurisdiction by a fine of not less than twenty-five dollars  
3 (\$25.00) nor more than two hundred dollars (\$200.00).

4 (A) The violation of any of the provisions of Sections 1, 2,  
5 3, and 5 of this Act;

6 (B) Permitting any person in one's employ, supervision or  
7 control to practice as a barber or other licensee [~~as-an-assistant~~  
8 ~~barber,~~] unless that person has a current certificate of  
9 registration issued by the board;

10 (C) Obtaining or attempting to obtain a certificate of  
11 registration by fraudulent representation;

12 (C-1) For anyone who owns, operates or manages a barber  
13 school or college to work a chair or to permit teachers, student  
14 teachers [~~instructors~~], licensed barbers or any one other than an  
15 enrolled student to render barbering services to the public in  
16 their said establishment;

17 (D) The willful failure to display a certificate of  
18 registration as required by Section 19 of this Act.

19 SECTION 22. Subsection (a), Section 27a, Chapter 65, Acts of  
20 the 41st Legislature, 1st Called Session, 1929, as amended (Article  
21 8407a, Vernon's Texas Civil Statutes), is amended to read as  
22 follows:

23 (a) No barber inspector or other employee of the State Board  
24 of Barber Examiners may sell barber supplies or engage in any other  
25 business which deals directly with barbers, barber shops, specialty  
26 shops, or barber schools except that he may engage in the practice

of barbering.

SECTION 23. Subsection (a), Section 28, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas [State] Board of Health shall make, establish and promulgate reasonable sanitary rules and regulations for the conduct of barber shops, specialty shops, and barber schools. The State Board of Barber Examiners, by and through the Texas Department of Health [~~Health--Department-of-the-State-of-Texas~~], shall have authority, and it is made its duty to enter upon the premises of all barber shops, specialty shops, barber schools or any place where any of its licensees are practicing or performing any service, act or treatment by authority of any license issued by the board and inspect same at any time during business hours. A copy of such sanitary rules and regulations adopted by the Texas Board of Health shall be furnished to the Secretary of the State Board of Barber Examiners who shall in turn forward to each barber, barber school or licensee of the board a copy of such rules and regulations. A copy of the sanitary rules and regulations promulgated and adopted by the Texas [State] Board of Health shall be posted in barber shops, specialty shops, and barber schools in this State. Subject only to the authority of the Texas [State] Board of Health to make and promulgate reasonable rules and regulations as to sanitation, the State Board of Barber Examiners shall have full authority and power to make and enforce all rules

1 and regulations necessary for the performance of its duties, to  
2 establish standards of conduct and ethics for all persons licensed  
3 or practicing under the provisions of this Act, and to regulate the  
4 practice and teaching of barbering in all of its particulars in  
5 keeping with the purposes and intent of this Act or to insure  
6 strict compliance with and enforcement of this Act.

7 SECTION 24. Section 29, Chapter 65, Acts of the 41st  
8 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
9 Vernon's Texas Civil Statutes), is amended to read as follows:

10 Sec. 29. The Board shall keep a record of its proceedings  
11 relating to the issuance, refusal, renewal, suspension, and  
12 revocation of certificates of registration. This record shall also  
13 contain the name, place of business, and residence of each  
14 registered barber [~~and-registered-assistant-barber,~~] and the date  
15 and number of his certificate of registration. This record shall  
16 be open to public inspection at all reasonable times.

17 SECTION 25. Chapter 65, Acts of the 41st Legislature, 1st  
18 Called Session, 1929, as amended (Article 8407a, Vernon's Texas  
19 Civil Statutes), is amended by adding Section 29E to read as  
20 follows:

21 Sec. 29E. DELINQUENT PERMIT RENEWALS. A barber shop,  
22 specialty shop, or barber school permit that has been expired for  
23 more than 30 days may be renewed by filing a renewal application  
24 with the board, accompanied by the regular renewal fee, and a  
25 delinquency fee of \$30 for each year or part of a year that the  
26 permit has been expired.

1           SECTION 26. (a) This Act takes effect September 1, 1987.

2           (b) This Act applies only to a license, certificate, or  
3 permit issued or renewed by the State Board of Barber Examiners on  
4 or after September 1, 1987.

5           (c) A person who on the effective date of this Act holds a  
6 cosmetology license or manicurist license issued by the Texas  
7 Cosmetology Commission is entitled to a manicurist license issued  
8 by the State Board of Barber Examiners on application to that  
9 board.

10          SECTION 27. The importance of this legislation and the  
11 crowded condition of the calendars in both houses create an  
12 emergency and an imperative public necessity that the  
13 constitutional rule requiring bills to be read on three several  
14 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 26, 1987

TO: Honorable O.H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 849  
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 849 (relating to the practice of barbering to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would require licenses for wig specialists, wig instructors and manicurists to be renewed every two years. Currently, such licenses are not subject to renewal. In addition, the bill would require licensure of specialty shops, subject to renewal every two years. Finally, the bill would authorize the State Board of Barber Examiners to charge a penalty fee on the renewal of delinquent licenses of \$30 for each year or portion of a year that the license has been expired.

Revenues would be deposited to the Barber Examiners Fund No. 40. The agency anticipates a decrease in revenue from penalty fees after 1988 due to a greater level of compliance with license renewal requirements. Estimated administrative costs to the agency reflect the printing and mailing of penalty fee notifications to all licensees, as well as the cost of updating the agency's current licensing system to include specialty licenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Administrative Cost to Barber Examiners Fund No. 40</u>	<u>Revenue Gain to Barber Examiners Fund No. 40</u>
1988	\$10,903	\$133,980
1989	-0-	85,000
1990	-0-	85,000
1991	-0-	85,000
1992	-0-	85,000

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners;  
LBB Staff: JO, HES, JWH, MW, AF

# HOUSE COMMITTEE REPORT

1st Printing

By: Montford

S.B. No. 849

(Laney)

A BILL TO BE ENTITLED

AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners. Each owner, operator or manager of a barber shop that is first opened for business hereafter shall within three days after the opening of such shop submit an application to the barber board for a barber shop permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede effective administration or enforcement of the laws under their respective jurisdictions[7--from-and-after-January-31--1980]:

(1) a person licensed by the barber board may practice

1 [barbering] only at a location for which the board has issued a  
2 barber shop permit, specialty shop permit, barber school or college  
3 permit, or any other permit. If the State Board of Barber  
4 Examiners and the Texas Cosmetology Commission license the same  
5 facility, the board may not adopt rules restricting or prohibiting  
6 the practice by a Class A barber, manicurist, or wig specialist in  
7 the facility; and

8 (2) a person licensed by the cosmetology commission may  
9 practice cosmetology only at a location for which the commission  
10 has issued a beauty shop license, private beauty culture school  
11 license, or any other license. If the State Board of Barber  
12 Examiners and the Texas Cosmetology Commission license the same  
13 facility, the commission may not adopt rules restricting or  
14 prohibiting the practice by a cosmetologist in the facility.

15 SECTION 2. Article 8403, Revised Statutes, is amended to  
16 read as follows:

17 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
18 barber shop, specialty shop, or barber school [~~er--beauty--parlor~~]  
19 shall equip and keep equipped the same with facilities and supplies  
20 and with all such appliances, furnishings and materials as may be  
21 necessary to enable persons employed in and about the same to  
22 comply with the law.

23 SECTION 3. Article 8404, Revised Statutes, is amended to  
24 read as follows:

25 Art. 8404. EMPLOYEE [EMPLOYEE] WITH DISEASE. No owner,  
26 operator or manager of a barber shop, specialty shop, or barber



1 school [~~er~~\*a-beauty--~~parlor~~] shall knowingly permit any person  
2 suffering from a communicable skin disease or from a venereal  
3 disease to act as a barber or employee [~~emplye~~] or work or be  
4 employed in the [~~said~~] shop or school [~~parlor~~]. No person who to  
5 his own knowledge is suffering from a communicable disease or from  
6 venereal disease shall act as a barber or work or be employed in a  
7 [~~said~~] shop or school [~~parlor~~].

8 SECTION 4. Article 8405, Revised Statutes, is amended to  
9 read as follows:

10 Art. 8405. CLEANLINESS. Every person in charge of a barber  
11 shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep  
12 said shop or school [~~parlor~~] and all furniture, tools, appliances  
13 and other equipment used therein at all times in a cleanly  
14 condition, and shall cause all combs, hair brushes, hair dusters  
15 and similar articles used therein to be washed thoroughly at least  
16 once a day and to be kept clean at all times, and shall cause all  
17 mugs, shaving brushes, razors, shears, scissors, clippers and  
18 tweezers used therein to be sterilized at least once after each  
19 time used as hereinafter provided. The term "persons affected by  
20 this chapter" shall include any person working or employed in a  
21 barber shop, specialty shop, or barber school [~~beauty--parlor~~] or  
22 acting as a barber, wig [~~beauty~~] specialist or manicurist. Every  
23 barber or other person affected by this chapter, immediately after  
24 using a mug, shaving brush, razor, scissors, shears, clippers, or  
25 tweezers, for the service of any person, shall sterilize the same  
26 by immersing it in boiling water for not less than a minute, or in

1 the case of a razor, scissors, shears or tweezers, by immersing it  
2 for not less than ten minutes in a five per cent aqueous solution  
3 of carbolic acid. No barber or other person affected by this  
4 chapter shall:

5 1. Use for the service of any customer a comb, hair brush,  
6 hair duster or any similar article that is not thoroughly clean,  
7 nor any mug, shaving brush, razor, shears, scissors, clippers, or  
8 tweezers, that are not thoroughly clean or that have not been  
9 sterilized since last used.

10 2. Serve any customer unless he shall immediately before  
11 such service cleanse his hands thoroughly.

12 3. Use for the service of a customer any towel or wash cloth  
13 that has not been boiled and laundered since last used.

14 4. To stop the flow of blood use the same piece of alum or  
15 other material for more than one person.

16 5. Shave any person when the surface to be shaved is  
17 inflamed or broken out or contains pus, unless such person be  
18 provided with a cup, razor and lather brush for his individual use.

19 6. Permit any person to use the head rest of any barber's  
20 chair under his control until after the head rest has been covered  
21 with a towel that has been washed and boiled since having been used  
22 before, or by clean new paper or similar clean substance.

23 7. Use a powder puff or a sponge in the service of a  
24 customer unless it has been sterilized since last used.

25 8. Use a finger bowl unless it has been sterilized since  
26 last used and fresh water or other liquid placed therein.

1        9. Serve a customer without the use of a sanitized neck  
2 strip, cloth towel, or paper towel between the customer and the  
3 chair cloth.

4        10. Bring an animal into a shop or school, or allow an  
5 animal to remain in a shop or school, unless the animal is a  
6 trained dog used to assist a handicapped person or is used as a  
7 guard dog for security purposes.

8        SECTION 5. Article 8406, Revised Statutes, is amended to  
9 read as follows:

10        Art. 8406. NO PLACE TO SLEEP. (a) No owner or manager of  
11 any barber shop, specialty shop, or barber school [~~beauty--parlor~~]  
12 shall permit any person to sleep in any room used wholly or in part  
13 as such shop or school [~~parlor~~], and no person shall pursue the  
14 barber business or be employed in a barber shop, specialty shop, or  
15 barber school [~~beauty-parlor~~] in any room used as [a] sleeping  
16 quarters [~~apartment~~].

17        (b) If located in the same building with any business other  
18 than a beauty salon, a barber shop, specialty shop, or barber  
19 school must be separated from the other business by a solid wall  
20 and must have a separate entrance.

21        SECTION 6. Section 2, Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
23 Vernon's Texas Civil Statutes), is amended to read as follows:

24        Sec. 2. Unless [~~From-and-after-the-effective--date--of--this~~  
25 ~~Act,--unless~~] duly licensed and registered in accordance with all  
26 laws of this state regulating the practice of barbering, no person

1 shall:

2 (a) practice, continue to practice, offer, or attempt to  
3 practice barbering or any part thereof;

4 (b) directly or indirectly, employ, use, cause to be used,  
5 or make use of any of the following terms or any combinations,  
6 variations, or abbreviations thereof, as a professional, business,  
7 or commercial identification, title, name, representation, claim,  
8 asset, or means of advantage or benefit: "barber," "barbering,"  
9 "barber school," "barber college," "barber shop," "barber salon,"  
10 or "specialty shop"; or

11 (c) directly or indirectly, employ, use, cause to be used,  
12 or make use of any letter, abbreviation, word, symbol, slogan,  
13 sign, or any combination or variation thereof, which in any manner  
14 whatsoever tends or is likely to create any impression with the  
15 public or any member thereof that any person is qualified or  
16 authorized to practice barbering or own or manage any barber shop,  
17 specialty shop, or barber school or college.

18 SECTION 7. Section 4, Chapter 65, Acts of the 41st  
19 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
20 Vernon's Texas Civil Statutes), is amended to read as follows:

21 Sec. 4. DEFINITIONS. In this Act, unless the context  
22 otherwise requires:

23 (a) "barber" shall mean any person who performs, offers, or  
24 attempts to perform any act of barbering, professes to do barbering  
25 or to be engaged in the practice thereof, or who directly or  
26 indirectly or in any manner whatsoever advertises or holds himself

1 out as a barber or as authorized to practice barbering;

2 (b) "barbering," "practicing barbering," or the "practice of  
3 barbering" shall mean the performing or doing, or offering or  
4 attempting to do or perform, any, all or any combination of the  
5 following acts, services, works, treatments, or undertakings:

6 (1) arranging, beautifying, coloring, processing, shaving,  
7 styling, or trimming the mustache or beard by any means or method;

8 (2) arranging, beautifying, bleaching, cleansing, coloring,  
9 curling, dressing, dyeing, processing, shampooing, shaping,  
10 singeing, straightening, styling, tinting, waving, or otherwise  
11 treating the hair as primary services, treatments, or undertakings  
12 by any means or method, including any bobbing, clipping, cutting,  
13 or trimming of the hair as a necessary incident preparatory or  
14 ancillary to such primary services;

15 (3) cutting the hair as a primary service, treatment, or  
16 undertaking and not as a necessary incident preparatory or  
17 ancillary to those primary services enumerated in Section 4(b)(2),  
18 or primarily engaging in the occupation of cutting hair or  
19 practicing primarily as a haircutter by cutting hair as a separate  
20 and independent service, treatment, or undertaking for which  
21 haircut a charge is made, as such, separate and apart from any  
22 other service, treatment, or undertaking, directly or indirectly,  
23 or in any manner whatsoever;

24 (4) cleansing, stimulating, or massaging the scalp, face,  
25 neck, arms, shoulders, or that part of the body above the  
26 shoulders, by means of the hands, devices, apparatuses, or

1 appliances, with or without the use of cosmetic preparations,  
2 antiseptics, tonics, lotions, or creams;

3 (5) beautifying the face, neck, arms, shoulders, or that  
4 part of the body above the shoulders, by the use of cosmetic  
5 preparations, antiseptics, tonics, lotions, powders, oils, clays,  
6 creams, or appliances;

7 (6) cutting, trimming, polishing, tinting, coloring,  
8 cleansing, [er] manicuring, or pedicuring the nails of any person  
9 or attaching false nails;

10 (7) massaging, cleansing, treating, or beautifying the hands  
11 of any person;

12 (8) administering facial treatments;

13 (9) hair weaving;

14 (10) shampooing or conditioning hair;

15 (11) servicing a wig, toupee, or artificial hairpiece on a  
16 human head or on a block, subsequent to the initial retail sale by  
17 any of the acts, services, works, treatments, or undertakings  
18 enumerated in Section 4(b)(2) of this Act;

19 (12) advertising or holding out to the public by any manner  
20 whatsoever that any person is a barber or authorized to practice  
21 barbering;

22 (13) advertising or holding out to the public by any manner  
23 whatsoever that any location or place of business is a barber shop,  
24 barber school, barber college, or barber salon;

25 (14) receiving any fee, salary, compensation, or financial  
26 benefit, or the promise of any fee, salary, compensation, or

1 financial benefit, for performing, doing, offering, or attempting  
2 to perform or do any act, work, service, or thing, which is any  
3 part of the practice of barbering as herein defined;

4 (c) "Manicurist specialty shop" shall mean any place where  
5 only the practice of barbering as defined by Sections 4(b)(6) and  
6 (7) of this Act is performed for compensation;

7 (d) "wig specialty shop" shall mean any place where only the  
8 practice of barbering as defined by Section 4(b)(11) of this Act is  
9 performed for compensation;

10 (e) "barber shop" or "barber salon" shall mean any place  
11 where barbering is practiced, offered, or attempted to be practiced  
12 except when such place is duly licensed as a barber school or  
13 college;

14 (f) [~~f~~] "board" shall mean the State Board of Barber  
15 Examiners as established and provided for in the Texas Barber Law;

16 (g) [~~g~~] "certificate" shall mean a certificate of  
17 registration issued by the board in accordance with the provisions  
18 of this Act;

19 (h) [~~h~~] "license" shall mean any license issued by the  
20 board in accordance with the provisions of this Act;

21 (i) [~~i~~] "manager" shall mean any person who controls or  
22 directs the business affairs of a barber shop or directs the work  
23 of a person employed in a barber shop or both;

24 (j) [~~j~~] "permit" shall mean any permit issued by the board  
25 in accordance with the provisions of this Act;

26 (k) [~~k~~] "person" shall mean any individual, association,

1 firm, corporation, partnership, or other legal entity.

2 (1) [~~1~~] In addition to the foregoing definitions, the  
3 board shall have authority to define by rule any words or terms  
4 necessary in the administration or enforcement of this Act.

5 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
6 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
7 Vernon's Texas Civil Statutes), is amended to read as follows:

8 Sec. 6. EXEMPTIONS. The following persons shall be exempt  
9 from the provisions of this Act, provided such persons are not  
10 represented, advertised, or held out to the public, directly or  
11 indirectly, or in any manner whatsoever, as barbers, journeymen  
12 barbers, barber technicians or under any name, title, or  
13 designation indicating such person is authorized to practice by  
14 authority of any license or permit issued by the board:

15 (a) physicians, osteopaths, and registered nurses licensed  
16 and regulated by the State of Texas while operating within the  
17 scope of the license;

18 (b) commissioned or authorized medical or surgical officers  
19 of the United States Army, Navy, or Marine Hospital Service;

20 (c) persons licensed or practicing by authority of the Texas  
21 Cosmetology Commission under the provisions of Chapter 1036, Acts  
22 of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
23 Vernon's Texas Civil Statutes), so long as such persons practice  
24 within the scope of the license or permit duly issued by the Texas  
25 Cosmetology Commission.

26 SECTION 9. Section 7, Chapter 65, Acts of the 41st



Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a Class A registered barber:

(a) being at least 16 [~~16-1/2~~] years of age;

(b) successfully passing a written and practical examination demonstrating to the satisfaction of the board the applicant's fitness and competence to practice the art and science of barbering.

SECTION 10. Section 9, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. (a) Any person desiring to conduct or operate a barber school or college in this state shall first obtain a permit from the board after demonstrating that said school or college has first met the requirements of this section. Said permit shall be prominently displayed at all times at such school or college. [No such--school--or--college--shall--be--approved--unless--such--school--or--college--requires--as--a--prerequisite--to--graduation--a--course--of--instruction--of--not--less--than--1,500--hours--as--determined--by--the--board,--to--be--completed--within--a--period--of--not--less--than--nine--months,--for--a--Class-A--certificate,--and--at--least--800--hours--of--such--course--of--instruction--shall--be--in--the--actual--practice--of--cutting--hair--as--a--primary--service--in--accordance--with--the--definition--set--forth--in--Section--4(b)(3)--of--this--Act.] No certificate or permit

shall be issued as provided for herein to an applicant to be a student in such a school or college unless said applicant has completed at least a seventh grade education and such other requirements as shall be specified by the board. The board may not approve a barber school or college unless the school or college requires the following hours of instruction as a prerequisite for graduation:

(1) Class A barber--1,500 hours of instruction completed in a course of not less than nine months, with not less than 800 hours in the actual practice of cutting hair as a primary service;

(2) barber technician--150 hours of instruction completed in a course of not less than four weeks;

(3) wig instructor--200 hours of instruction completed in a course of not less than eight weeks;

(4) wig specialist--300 hours of instruction completed in a course of not less than eight weeks;

(5) manicurist--150 hours of instruction completed in a course of not less than four weeks; and

(6) teacher--1,000 hours of instruction completed in a course of not less than six months. [Provided,--however,--that--any person--licensed--as--a--Class--A--registered--barber--or--registered assistant--barber--as--of--the--effective--date--of--this--Act--shall--be considered--qualified--to--perform--any--acts--or--services--within--the scope--of--the--definition--of--barbering--and--shall--be--entitled--to--any or--all--licenses,--certificates,--or--permits--which--the--board--is authorized--to--issue--on--payment--of--the--required--fees--but--without

~~meeting-further-educational-or-experience-requirements.]~~

(b) If a school or college offers a refresher course, that course must require at least 300 hours of instruction. The Board by rule shall set the curriculum for a refresher course.

(c) Such schools or colleges shall instruct students in the theory and practice of such subjects as may be necessary and beneficial in the practice of barbering, including the following: scientific fundamentals of barbering; hygienic bacteriology, histology of the hair, skin, muscles, and nerves; structure of the head, neck and face; elementary chemistry relating to sterilization and antiseptics; common disorders of the skin and hair; massaging muscles of the scalp, face, and neck; hair-cutting; shaving, shampooing, and bleaching and dyeing of the hair; manicuring, administering facial treatments, hair weaving, servicing wigs, or any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering provided for in this Act.

(d) ~~[(e)]~~ No barber school or college which issues "Class A" certificates shall be approved by the Board for the issuance of a permit unless said school or college has the following:

(1) An adequate school site housed in a substantial building of a permanent-type construction containing a minimum of not less than two thousand, eight hundred (2,800) square feet of floor space. Such space shall be divided into the following separate departments: a senior department, a junior department, a class theory room, a supply room, an office space, a dressing and cloak

1 room, and two (2) sanitary, modern separate rest rooms, equipped  
2 with one (1) commode each and a urinal in one (1) rest room.

3 (2) A hard-surface floor covering of tile or other suitable  
4 material.

5 (3) A minimum of twenty (20) modern barber chairs with  
6 cabinet and mirror for each chair.

7 (4) One (1) lavatory in back of each two (2) chairs.

8 (5) A liquid sterilizer for each chair.

9 (6) An adequate number of latherizers, vibrators, and hair  
10 dryers for the use of students.

11 (7) Adequate lighting of all rooms.

12 (8) At least twenty (20) classroom chairs, a blackboard,  
13 anatomical charts of the head, neck and face, and one (1) barber  
14 chair in the class theory room.

15 (9) A library and library facilities available to students,  
16 containing a medical dictionary and a standard work on the human  
17 anatomy.

18 (10) Adequate drinking fountain facilities, but at least one  
19 (1) to each floor.

20 (11) Adequate toilet facilities for the students.

21 (12) Adequate fire-fighting equipment to be maintained in  
22 case of emergency.

23 (e) [†d†] Anything to the contrary in this Act  
24 notwithstanding, each such school shall place a sign on the front  
25 outside portion of its building in a prominent place. Such sign  
26 shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum

1 size of ten-inch block letters. Printed signs containing the  
2 foregoing information shall be prominently displayed upon each  
3 inside wall of the establishment.

4 (f) [~~e~~] A minimum of five (5) hours a [one-hour-periods-of  
5 each] week must [shall] be devoted to the instruction of theory in  
6 the classroom, with Saturdays [~~being~~] devoted exclusively to  
7 practical work over the chair. If classes are conducted five (5)  
8 days a week, one (1) hour each day must be devoted to instruction  
9 in theory. If classes are conducted four (4) days a week, one (1)  
10 hour and fifteen (15) minutes each day must be devoted to  
11 instruction in theory. An attendance record book must be  
12 maintained by the school showing a record of the students' daily  
13 attendance. These records are subject to inspection at any and all  
14 times by the Board.

15 (g) [~~f~~] No barber school or college which issues "Class A"  
16 certificates shall be approved by the Board unless it is under the  
17 direct supervision and control of a barber who holds a current  
18 registered "Class A" certificate to practice barbering under the  
19 Texas Barber Law, and who can show evidence of at least five (5)  
20 years experience as a practicing barber. Each school shall have at  
21 least one (1) teacher who has a teacher's certificate issued by the  
22 Board upon examination and who is capable and qualified to teach  
23 the curriculum outlined herein to the students of such school. All  
24 such teachers are required to obtain a teacher's certificate from  
25 the Board and, in addition to requirements set forth by the Board,  
26 must meet the following requirements:

1           (1) Demonstrate their ability to teach the said curriculum  
2 outlined herein through a written and practical test to be given by  
3 the Board.

4           (2) Hold a current certificate as a registered "Class A"  
5 barber under this law.

6           (3) Demonstrate to the Board that such applicant is  
7 qualified to teach and instruct, to be determined at the discretion  
8 of the Board, and show evidence that the applicant has had at least  
9 six (6) months experience as a teacher in an approved school or  
10 college in Texas or in another state approved by the Board, or have  
11 completed 1,000 hours of instruction in a [six-month] postgraduate  
12 course as a student teacher in an approved barber school or college  
13 in Texas.

14           (h) A licensed barber who presents evidence satisfactory to  
15 the Board of at least five (5) years' experience as a practicing  
16 barber in a barber shop operating under a permit issued by the  
17 Board, with not less than two (2) years' experience occurring in  
18 the period immediately before application, is also entitled to  
19 apply to take the examination for a teacher's certificate.

20 Applicants desiring an examination for a teacher's certificate  
21 shall make an application to the Board and accompany same with an  
22 examination fee not to exceed \$70. A new application and fee must  
23 be presented for each examination taken by the applicant and fees  
24 paid are not refundable. A teacher's certificate shall be issued  
25 upon satisfactory completion of the examination and payment of a  
26 certificate fee not to exceed \$70 if the applicant fulfills the

1 requirements during the period from November 1 of an odd-numbered  
2 year and extending through October 31 of the following  
3 even-numbered year or not to exceed \$35 if the applicant fulfills  
4 the requirements during the period from November 1 of an  
5 even-numbered year and extending through October 31 of the  
6 following odd-numbered year. Teacher's certificates shall be  
7 renewed biennially on or before November 1st of odd-numbered years  
8 upon the payment of a renewal fee not to exceed \$70.

9 (i) [~~g~~] In addition to a minimum of one (1) teacher  
10 required in paragraph (3) above, each barber school or college  
11 which issues "Class A" certificates shall maintain at least one (1)  
12 qualified instructor, holding a registered "Class A" certificate,  
13 for each twenty (20) students or any fraction thereof for  
14 instruction in practical work; provided, however, that a teacher  
15 can also serve as an instructor in practical work in addition to  
16 his position as a theory teacher. A barber school or college may  
17 enroll one (1) student teacher for each licensed teacher who  
18 teaches at the school or college. A student teacher must  
19 concentrate on teaching skills and may not be booked with  
20 customers. Violation of this requirement constitutes a ground for  
21 the revocation of the person's student teacher barber license.

22 (j) [~~h~~] No barber school or college shall be issued a  
23 permit to operate under the provisions of this Section until it has  
24 first furnished the following evidence to the Board:

25 (1) A detailed drawing and chart of the proposed physical  
26 layout of such school, showing the departments, floor space,

1 equipment, lights and outlets.

2 (2) Photographs of the proposed site for such school  
3 including the interior and exterior of the building, rooms and  
4 departments.

5 (3) A detailed copy of the training program.

6 (4) A copy of the school catalog and promotional literature.

7 (5) A copy of the building lease or proposed building lease  
8 where the building is not owned by the school or college.

9 (6) A sworn statement showing the true ownership of the  
10 school or college.

11 (7) A permit fee not to exceed \$1,000.

12 (k) No such school or college shall be operated and no  
13 students shall be solicited or enrolled by it until the Board shall  
14 determine that the school has been set up and established in  
15 accordance with this Section and the proposal submitted to the  
16 Board and approved by it prior to the issuance of a permit. Any  
17 such school or college must obtain renewal of its certificate by  
18 September 1st each year by the payment of an annual renewal fee not  
19 to exceed \$300.

20 (l) [~~(i)~~] When a barber school or college changes ownership,  
21 the Board shall be notified of the transfer within ten (10) days  
22 from the date of such change.

23 (m) [~~(j)~~] Any school or college desiring to change the  
24 location of such school or college must first obtain approval by  
25 the Board by showing that the proposed location meets the  
26 requirements of this Section.



1        (n) [~~(k)~~] If said Board refuses to issue a permit to any  
2 such school or college, such school or college may by written  
3 request demand the reasons for said refusal and if said school or  
4 college shall thereupon meet said requirements and makes a showing  
5 that the requirements of this law have been complied with, then if  
6 said Board refuses to issue said permit, a suit may be instituted  
7 by such school or college in any of the District Courts of Travis  
8 County, Texas, to require said Board to issue such permit. Any  
9 such suit must be filed within twenty (20) days after the final  
10 order of said Board refusing to issue such permit is entered,  
11 provided registered notice is mailed or it is otherwise shown that  
12 said school or college has notice within ten (10) days from the  
13 entering or making of said order.

14        (o) [~~(t)~~] In the event such school or college after a permit  
15 is issued to it violates any of the requirements of this law,  
16 either directly or indirectly, then said Board shall suspend or  
17 revoke the permit of any such school or college. Before suspending  
18 or revoking any such permit, said Board must give such school or  
19 college a hearing, notice of which hearing shall be delivered to  
20 such school or college at least twenty (20) days prior to the date  
21 of said hearing. If said Board suspends or revokes said permit at  
22 said hearing, then such school or college may file suit to prevent  
23 the same or to appeal from said order. Any and all suits filed  
24 hereunder shall be filed within twenty (20) days from the date of  
25 the order of said Board in any of the District Courts of Travis  
26 County, Texas, and not elsewhere, and the order shall not become

1 effective until said twenty (20) days has expired.

2        (p) [~~m~~] The Attorney General or any District or County  
3 Attorney may institute any injunction proceedings or such other  
4 proceeding as to enforce the provisions of this Act, and to enjoin  
5 any barber, assistant barber, or school or college from operating  
6 without having complied with the provisions hereof, and each shall  
7 forfeit to the State of Texas the sum of Twenty-five Dollars (\$25)  
8 per day as a penalty for each day's violation, to be recovered in a  
9 suit by the District or County Attorney, and/or the Attorney  
10 General.

11        SECTION 11. Section 13, Chapter 65, Acts of the 41st  
12 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
13 Vernon's Texas Civil Statutes), is amended to read as follows:

14        Sec. 13. Any person who is at least sixteen [~~and-one-half~~]  
15 years of age, and who has a diploma showing graduation from a  
16 seven-grade grammar school, or its equivalent as determined by an  
17 examination conducted by the Board, and either

18        (a) Has a license or certificate of registration as a  
19 practicing barber from another State or country, which has  
20 substantially the same requirements for licensing or registering  
21 barbers as required by this Act, or

22        (b) Who can prove by personal affidavit that he has  
23 practiced as a barber in another State for at least two years  
24 immediately prior to making application in this State, and who  
25 possesses the qualifications required by this Act, shall, upon  
26 payment of the required fee, be issued a permit to practice as a

1 journeyman barber only until he is called by the Board of Barber  
 2 Examiners to determine his fitness to receive a certificate of  
 3 registration to practice barbering. Should such applicant fail to  
 4 pass the required examination he shall be allowed to practice as a  
 5 journeyman barber until he is called by the Board for the next term  
 6 of examination. Should he fail at the examination he must cease to  
 7 practice barbering in this State.

8 SECTION 12. Section 14, Chapter 65, Acts of the 41st  
 9 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
 10 Vernon's Texas Civil Statutes), is amended to read as follows:

11 Sec. 14. (a) Any person [~~assistant-barber~~] who is at least  
 12 sixteen [~~and--one-half~~] years of age and who has a diploma showing  
 13 graduation from a seventh grade grammar school, or an equivalent  
 14 education as determined by [~~an-examination-conducted-by~~] the Board,  
 15 and who has [~~a-certificate-of-registration-as-an-assistant-barber~~  
 16 ~~in-a-State-or-country-which-has-substantially-the-same-requirements~~  
 17 ~~for-registration-as-an-assistant-barber-as-is-provided-for-by--this~~  
 18 ~~Act,--shall--upon-payment-of-the-required-fee-be-issued-a-permit-to~~  
 19 ~~work-as-an-assistant-barber-until-called-by-the-Board-of--Examiners~~  
 20 ~~for--examination--to-determine-his-fitness-to-receive-a-certificate~~  
 21 ~~of-registration-as-an-assistant-barber.--Should-such-person-be-able~~  
 22 ~~to-pass-the-required-examination,he-will-be-issued--a--certificate~~  
 23 ~~of-registration-as-a-registered-assistant-barber,--and-that-the-time~~  
 24 ~~spent--in--such-ether-State-or-country-as-an-assistant-barber-shall~~  
 25 ~~be-credited-upon-the-period-of-assistant-barber--required--by--this~~  
 26 ~~Act--as--a--qualification--to-take-the-examination-to-determine-his~~

~~fitness-to-receive-a-certificate-of-registration--as--a--registered  
barber-~~

~~[(b)--Any-person-who-has]~~ spent at least 30 working days at a  
licensed barber school or college as a barber's technician  
including the study of shampooing, shampoos, manipulations, making  
appointments, preparing patrons, sterilizing tools, and the study  
of sterilization and the barber laws is entitled to a license as a  
barber technician on satisfactory completion of an examination  
prescribed by the Board ~~[may-be-licensed-to-practice-as-a--barber's~~  
~~technician]~~.

(b) Any licensed barber's technician may assist the barber  
in shampooing and sterilizing in a barber shop and shall work under  
the personal supervision of a registered Class A barber.

SECTION 13. Section 15, Chapter 65, Acts of the 41st  
Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. (a) A person holding a manicurist specialty  
license issued by the board may perform for compensation only the  
practice of barbering defined in Section 4(b)(6) and Section  
4(b)(7) of this Act.

(b) An applicant for a manicurist specialty license must be  
at least 16 years of age, have completed the seventh grade or its  
equivalent, and have completed 150 hours instruction in manicuring.

(c) The application shall be made on a form prescribed by  
the board and a \$5 ~~[manicurist]~~ administration fee must accompany  
the application. The application and fee shall be filed at least

1 10 days prior to the date set for the examination.

2 (d) The applicant is entitled to a manicurist specialty  
3 license if such applicant possesses the qualifications enumerated  
4 in Section 15(b), satisfactorily completes the examination, pays a  
5 license fee not to exceed \$30, and has not committed an act which  
6 constitutes grounds for denial of a license under this Act.

7 SECTION 14. Chapter 65, Acts of the 41st Legislature, 1st  
8 Called Session, 1929, as amended (Article 8407a, Vernon's Texas  
9 Civil Statutes), is amended by adding Section 15A to read as  
10 follows:

11 Sec. 15A. (a) Except as provided by Subsection (b) of this  
12 section, a person may not own, operate, or manage a manicurist  
13 specialty shop unless the person holds a manicurist specialty shop  
14 permit issued by the board. A person may operate under a temporary  
15 permit issued by the board until a permanent permit is issued.

16 (b) Not later than the third day after the date on which a  
17 person opens a manicurist specialty shop, the person must submit a  
18 written application to the board for a temporary permit. The  
19 application must be accompanied by an inspection fee set by the  
20 board in an amount not to exceed \$50. The application must include  
21 the address of the shop, a legal description of the premises for  
22 which the permit is sought, and any other information required by  
23 the board.

24 (c) The board shall issue a permanent manicurist specialty  
25 shop permit to an applicant who holds a valid manicurist specialty  
26 license and whose shop meets:

1       (1) the minimum health standards required by the Texas  
2 Department of Health for manicurist specialty shops, as determined  
3 by a board inspection; and

4       (2) any additional requirements imposed by board rule.

5       (d) A person who holds a manicurist specialty shop permit  
6 may maintain an establishment in which only the practice of  
7 barbering, as defined by Subdivision (6) or (7), Section 4(b), of  
8 this Act, is performed for compensation. A manicurist specialty  
9 shop may be operated only under the direction of a person who holds  
10 a valid manicurist specialty license.

11       (e) The holder shall display the permit in a conspicuous  
12 place in the shop for which the permit is issued. A permit issued  
13 under this section is not transferable. If the ownership of a  
14 manicurist specialty shop is transferred to another person, the  
15 shop may continue in operation if the new owner applies for and  
16 obtains a new permit not later than the 30th day after the date on  
17 which ownership is transferred.

18       (f) A person who holds a license, permit, or certificate  
19 issued by the Texas Cosmetology Commission may not practice under  
20 that authority at a manicurist specialty shop regulated under this  
21 Act.

22       (g) A permit issued under this section expires July 1 of  
23 each odd-numbered year. A holder may renew the permit by  
24 submitting a renewal application to the board, accompanied by a  
25 renewal fee set by the board not to exceed \$50.

26       (h) A holder of a permit issued under this section may move

1 the manicurist specialty shop to a different location if the holder  
 2 receives board approval of the new location. The holder must  
 3 notify the board of the move not later than the 10th day before the  
 4 date on which the move is scheduled to occur.

5 SECTION 15. Section 16, Chapter 65, Acts of the 41st  
 6 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
 7 Vernon's Texas Civil Statutes), is amended to read as follows:

8 Sec. 16. (a) A person holding a wig specialist license  
 9 issued by the board may perform for compensation only the practice  
 10 of barbering defined in Section 4(b)(11) of this Act.

11 (b) An applicant for a wig specialist license must be at  
 12 least 16 years of age, have completed the seventh grade or its  
 13 equivalent, and have completed 300 hours of instruction in the care  
 14 and treatment of wigs.

15 (c) The application shall be made on a form prescribed by  
 16 the commission and a \$5 administration fee must accompany the  
 17 application. The application and fee must be filed at least 10  
 18 days prior to the date set for the examination.

19 (d) The applicant is entitled to a wig specialist license if  
 20 he possesses the qualifications enumerated in Subsection (b) of  
 21 this section, satisfactorily completes the examination, pays a  
 22 license fee not to exceed \$30, and has not committed an act which  
 23 constitutes grounds for revocation of a license under this Act.

24 [~~(e) -- Any person who at the time this Act takes effect holds~~  
 25 ~~a --- cosmetology --- license --- or --- manicurist --- license --- issued --- by --- the~~  
 26 ~~cosmetology commission may make application for and upon paying the~~

1 ~~fee-be-granted-a-manicurist-license-by--the--barber--board--without~~  
2 ~~examination- ]~~

3 SECTION 16. Section 18, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
5 Vernon's Texas Civil Statutes), is amended to read as follows:

6 Sec. 18. (a) Except as provided by Subsection (b) of this  
7 section, a person may not own, operate, or manage a wig specialty  
8 shop unless the person holds a wig specialty shop permit issued by  
9 the board. A person may operate under a temporary permit issued by  
10 the board until a permanent permit is issued. [A-person-holding--a  
11 wig-salon-license-issued-by-the-board-may-maintain-an-establishment  
12 in--which--only--the--practice--of--barbering-as-defined-in-Section  
13 4(b)(11)-of-this-Act-is-performed-for-compensation- ]

14 (b) Not later than the third day after the date on which a  
15 person opens a wig specialty shop, the person must submit a written  
16 application to the board for a temporary permit. The application  
17 must be accompanied by an inspection fee set by the board in an  
18 amount not to exceed \$50. The application must include the address  
19 of the shop, a legal description of the premises for which the  
20 permit is sought, and any other information required by the board.  
21 [An--applicant--for-a-wig-salon-license-shall-submit-an-application  
22 on-a-form-prescribed-by-the-board--The-application--shall--contain  
23 proof--of--the-particular-requisites-for-a-wig-salon-as-established  
24 by-the-board-and-shall-be-verified-by-the-applicant- ]

25 (c) The board shall issue a wig specialty shop permit to an  
26 applicant who holds a valid wig specialty license and whose shop



meets:

(1) the minimum health standards required by the Texas Department of Health for wig specialty shops, as determined by a board inspection; and

(2) any additional requirements imposed by board rule. [The applicant-is-entitled-to-a-wig-salon--license--if--the--application shows--compliance--with--the--rules-and-regulations-of-the-board,-a license-fee-not-to-exceed-\$50-is-paid,-and-such-applicant--has--not committed--an--act--which--constitutes--grounds-for-revocation-of-a license-under-this-Act.]

(d) A person who holds a wig specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Section 4(b)(11) of this Act, is performed for compensation. A wig specialty shop may be operated only under the direction of a person who holds a valid wig specialty license.

(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a wig specialty shop is transferred to another person, the shop may continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.

(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under that authority at a wig specialty shop regulated under this Act.

(g) A permit issued under this section expires July 1 of

each odd-numbered year. A holder may renew the permit by submitting a renewal application to the board, accompanied by a renewal fee set by the board not to exceed \$50.

(h) A holder of a permit issued under this section may move the wig specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur.

SECTION 17. Section 18.1, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18.1. (a) A person holding a wig school permit [~~license~~] issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b)(11) of this Act is taught for compensation.

(b) An applicant for a wig school permit [~~license~~] shall submit an application on a form prescribed by the board. The application shall contain proof of the particular requisites for a wig school as established by the board and shall be verified by the applicant.

(c) The applicant is entitled to a wig school permit [~~license~~] if the application shows compliance with the rules and regulations of the board, a \$100 permit [~~license~~] fee is paid, and applicant has not committed an act which constitutes grounds for revocation of a license or permit under this Act.

SECTION 18. Section 20, Chapter 65, Acts of the 41st

Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. (a) Each certificate of registration or license issued under this Act expires two years from the date of issuance. Each registered Class A barber, barber technician, teacher, wig instructor, wig specialist, manicurist, or other licensed specialist who continues in active practice or service must renew the certificate or license on or before the expiration date. The Board shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the Board, accompanied by the renewal fee set by the Board in the amount for an original certificate or license, but not to exceed \$70. [Every registered--Class--A--barber-and-barber-technician-who-continues-in active--practice--or--service--shall--renew--his---certificate---of registration--on--or--before-November-1-of-odd-numbered-years--The Board-of-Barber-Examiners-shall-issue-the-renewal-certificate--upon payment--of--a--biennial--renewal--fee--not--to--exceed-\$70.--Every certificate-of-registration-which-has-not--been--renewed--prior--to that-date-shall-expire-on-November-1-of-that-year.]

(b) A Class A registered barber or other licensee, whose certificate of registration or license has expired, may, within 30 days thereafter, and not later, have his certificate of registration or license restored by applying to the Board and paying the biennial renewal fee set by the Board ~~[upon-making-a satisfactory-showing--to--the--Board,--supported--by--his--personal affidavit,--which--in--the--opinion--of--the-Board,--will-exeuse-the~~

1 applicant-for-having-failed-to-renew--his--certificate--within--the  
2 time-required-by-this-Act].

3 (c) Any registered barber or licensee whose certificate of  
4 registration or license has been expired for not [~~who-retires--from~~  
5 ~~the--practice--of--barbering--for-not~~] more than five (5) years may  
6 reinstate the [~~renew-his~~] certificate of registration or license by  
7 making proper showing to the Board, supported by his personal  
8 affidavit, which, in the opinion of the Board, would justify the  
9 Board in issuing a certificate or license to such applicant as upon  
10 an original application upon payment of a fee equal to the amount  
11 of the original certificate or license fee, plus a delinquency fee  
12 of \$30 for each year or part of a year that the certificate or  
13 license has been expired [~~not--to--exceed--\$70-if-the-applicant~~  
14 ~~applies-during-the-period-from-November-1-of-an--odd-numbered--year~~  
15 ~~and--extending--through--October--31-of-the-following-even-numbered~~  
16 ~~year-not-to-exceed-\$35-if-the-applicant-applies-during--the--period~~  
17 ~~from--November--1--of--an--even-numbered-year-and-extending-through~~  
18 ~~October-31-of-the-following-odd-numbered-year~~].

19 (d) Any registered barber or licensee who retires from [~~the~~]  
20 practice and whose certificate of registration or license has been  
21 expired [~~of-barbering~~] for more than five (5) years may qualify for  
22 a new [~~renew-his~~] certificate of registration or license by making  
23 application to the Board and by making proper showing to the Board,  
24 supported by his personal affidavit, and by paying an examination  
25 fee not to exceed \$70, passing a satisfactory examination conducted  
26 by the Board, and paying the [~~a--license~~] fee for an original

certificate of registration or license [~~not-to-exceed--\$50--if--the~~  
~~applicant-fulfills-the-requirements-during-the-period-from-November~~  
~~1--of--an-odd-numbered-year-and-extending-through-October-31-of-the~~  
~~following-even-numbered-year-or-not-to-exceed-\$25-if-the--applicant~~  
~~fulfills--the--requirements-during-the-period-from-November-1-of-an~~  
~~even-numbered--year--and--extending--through--October--31--of--the~~  
~~following-odd-numbered-year~~].

SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
 Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20a. Any registered barber, [~~registered--assistant~~  
~~barber--or~~] barber technician, teacher, manicurist, or wig  
specialist shall not be required to renew his certificate of  
 registration while serving on active duty in the military, air or  
 naval forces of the United States, and the Board shall issue a  
 renewal certificate upon application and payment of a renewal fee  
 within ninety (90) days from the date such registered barber,  
 [~~registered--assistant--barber,--or~~] barber technician, teacher,  
manicurist, or wig specialist is released or discharged from active  
 duty in the armed forces. The renewal fee shall be:

(1) Ten Dollars (\$10) if the application and payment is made  
 during the period from November 1 of an odd-numbered year and  
 extending through October 31 of the following even-numbered year;

(2) Five Dollars (\$5) if the application and payment is made  
 during the period from November 1 of an even-numbered year and  
 extending through October 31 of the following odd-numbered year.

SECTION 20. Subsections (b) and (c), Section 23, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The fees to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering~~[7-to-practice-as-an-assistant barber7]~~ or to practice as a barber technician shall be \$10.

(c) The fees to be paid to the Board by an applicant who has satisfactorily passed the examination and complied with the other provisions of this Act to receive a certificate of registration to practice barbering~~[7-to-practice-as-an--assistant--barber7]~~ or to practice as a barber technician shall be set by the Board in an amount not to exceed \$70[-

~~[ (1)--an-amount-not-to-exceed-\$70-if-the--applicant--fulfills the---requirements---during--the--period--from--November--1--of--an odd-numbered-year-and-extending-through-October-31-of-the-following even-numbered-year7--or~~

~~[ (2)--an-amount-not-to-exceed-\$35-if-the--applicant--fulfills the---requirements---during--the--period--from--November--1--of--an even-numbered--year--and--extending--through--October--31--of---the following-odd-numbered-year].~~

SECTION 21. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. Each of the following offenses shall constitute a

1 misdemeanor punishable upon conviction in a court of competent  
2 jurisdiction by a fine of not less than twenty-five dollars  
3 (\$25.00) nor more than two hundred dollars (\$200.00).

4 (A) The violation of any of the provisions of Sections 1, 2,  
5 3, and 5 of this Act;

6 (B) Permitting any person in one's employ, supervision or  
7 control to practice as a barber or other licensee [~~as-an-assistant~~  
8 ~~barber~~]; unless that person has a current certificate of  
9 registration issued by the board;

10 (C) Obtaining or attempting to obtain a certificate of  
11 registration by fraudulent representation;

12 (C-1) For anyone who owns, operates or manages a barber  
13 school or college to work a chair or to permit teachers, student  
14 teachers [~~instructors~~], licensed barbers or any one other than an  
15 enrolled student to render barbering services to the public in  
16 their said establishment;

17 (D) The willful failure to display a certificate of  
18 registration as required by Section 19 of this Act.

19 SECTION 22. Subsection (a), Section 27a, Chapter 65, Acts of  
20 the 41st Legislature, 1st Called Session, 1929, as amended (Article  
21 8407a, Vernon's Texas Civil Statutes), is amended to read as  
22 follows:

23 (a) No barber inspector or other employee of the State Board  
24 of Barber Examiners may sell barber supplies or engage in any other  
25 business which deals directly with barbers, barber shops, specialty  
26 shops, or barber schools except that he may engage in the practice

1 of barbering.

2 SECTION 23. Subsection (a), Section 28, Chapter 65, Acts of  
3 the 41st Legislature, 1st Called Session, 1929, as amended (Article  
4 8407a, Vernon's Texas Civil Statutes), is amended to read as  
5 follows:

6 (a) The Texas [State] Board of Health shall make, establish  
7 and promulgate reasonable sanitary rules and regulations for the  
8 conduct of barber shops, specialty shops, and barber schools. The  
9 State Board of Barber Examiners, by and through the Texas  
10 Department of Health [~~Health--Department-of-the-State-of-Texas~~],  
11 shall have authority, and it is made its duty to enter upon the  
12 premises of all barber shops, specialty shops, barber schools or  
13 any place where any of its licensees are practicing or performing  
14 any service, act or treatment by authority of any license issued by  
15 the board and inspect same at any time during business hours. A  
16 copy of such sanitary rules and regulations adopted by the Texas  
17 Board of Health shall be furnished to the Secretary of the State  
18 Board of Barber Examiners who shall in turn forward to each barber,  
19 barber school or licensee of the board a copy of such rules and  
20 regulations. A copy of the sanitary rules and regulations  
21 promulgated and adopted by the Texas [State] Board of Health shall  
22 be posted in barber shops, specialty shops, and barber schools in  
23 this State. Subject only to the authority of the Texas [State]  
24 Board of Health to make and promulgate reasonable rules and  
25 regulations as to sanitation, the State Board of Barber Examiners  
26 shall have full authority and power to make and enforce all rules



1 and regulations necessary for the performance of its duties, to  
2 establish standards of conduct and ethics for all persons licensed  
3 or practicing under the provisions of this Act, and to regulate the  
4 practice and teaching of barbering in all of its particulars in  
5 keeping with the purposes and intent of this Act or to insure  
6 strict compliance with and enforcement of this Act.

7 SECTION 24. Section 29, Chapter 65, Acts of the 41st  
8 Legislature, 1st Called Session, 1929, as amended (Article 8407a,  
9 Vernon's Texas Civil Statutes), is amended to read as follows:

10 Sec. 29. The Board shall keep a record of its proceedings  
11 relating to the issuance, refusal, renewal, suspension, and  
12 revocation of certificates of registration. This record shall also  
13 contain the name, place of business, and residence of each  
14 registered barber [~~and-registered-assistant-barber,~~] and the date  
15 and number of his certificate of registration. This record shall  
16 be open to public inspection at all reasonable times.

17 SECTION 25. Chapter 65, Acts of the 41st Legislature, 1st  
18 Called Session, 1929, as amended (Article 8407a, Vernon's Texas  
19 Civil Statutes), is amended by adding Section 29E to read as  
20 follows:

21 Sec. 29E. DELINQUENT PERMIT RENEWALS. A barber shop,  
22 specialty shop, or barber school permit that has been expired for  
23 more than 30 days may be renewed by filing a renewal application  
24 with the board, accompanied by the regular renewal fee, and a  
25 delinquency fee of \$30 for each year or part of a year that the  
26 permit has been expired.

1           SECTION 26. (a) This Act takes effect September 1, 1987.

2           (b) This Act applies only to a license, certificate, or  
3 permit issued or renewed by the State Board of Barber Examiners on  
4 or after September 1, 1987.

5           (c) A person who on the effective date of this Act holds a  
6 cosmetology license or manicurist license issued by the Texas  
7 Cosmetology Commission is entitled to a manicurist license issued  
8 by the State Board of Barber Examiners on application to that  
9 board.

10          SECTION 27. The importance of this legislation and the  
11 crowded condition of the calendars in both houses create an  
12 emergency and an imperative public necessity that the  
13 constitutional rule requiring bills to be read on three several  
14 days in each house be suspended, and this rule is hereby suspended.

# COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-11-87  
(date)

Sir:

We, your COMMITTEE ON PUBLIC HEALTH,

to whom was referred SB 849 (measure) have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure ☒ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure Laney

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wright, Ch.				X
Clemons, V.C.	X			
Madla, C.B.O.	X			
Givens	X			
Harris, J.	X			
Heflin				X
McDonald	X			
Rodriguez	X			
Schoolcraft				X

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

Brad Wright  
CHAIRMAN

1 Laura Calfee  
COMMITTEE COORDINATOR

## BILL ANALYSIS

BACKGROUND

The State Board of Barber Examiners believes that much of the current law governing the practice of barbering in Texas is outdated and no longer applicable to the profession. The Board has recommended statutory changes to reflect current practices and changing trends in the hair care business. The Board believes that these changes will allow them to govern the barber profession more effectively. Additionally, the Board maintains that proposed renewal requirements for specialty licenses and shop permits as well as penalties for late renewals of licenses and permits will generate additional revenue for the Barber Examiners Fund in the State Treasury.

PURPOSE

This bill requires licenses for wig specialists, wig instructors, and manicurists to be renewed every two years. Currently, such licenses are not subject to renewal. The bill would also require licensure of specialty shops, subject to renewal every two years. The Board would be authorized to charge a penalty fee on the renewal of delinquent licenses of \$30 for each year or portion of a year that the license has been expired. Other amendments address changes in current practices and trends in the profession.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsecs. (a) and (b) of Art. 8402, Rev. Stat.

(a) Requires specialty shops to register with the Board.

(b) Specifies that persons practicing at specialty shops can do so only at the location for which the board has issued the permit; prohibits the board from adopting rules restricting or prohibiting practice by manicurists or wig specialists in a facility licensed by the Cosmetology Commission and the Board.

SECTION 2. Amends Art. 8403, Rev. Stat.

Art. 8403. Authorizes owners, operators, or managers of specialty shops and barber schools to equip those entities with facilities, supplies, appliances, furnishings and materials as necessary to comply with the law; deletes beauty parlor from these provisions.

SECTION 3. Amends Art. 8404, Rev. Stat.

Art. 8404. Prohibits owners, operators, or managers of specialty shops or barber schools from permitting persons suffering from certain diseases from acting as a barber or employee or work in the shop or school; deletes beauty parlors from these provisions.

SECTION 4. Amends Art. 8405, Rev. Stat.

Art. 8405. Requires persons in charge of specialty shops and barber schools to keep the facility and supplies clean; includes employees of specialty shops, barber schools, and wig specialists in the term "persons affected by this chapter"; removes beauty parlors from these provisions; sets forth additional prohibited acts for persons under this chapter.

SECTION 5. Amends Art. 8406, Rev. Stat.

Art. 8406. Prohibits owners or managers of specialty shops and barber schools from allowing persons to sleep in any room used for business or from conducting business in a room used for sleeping; requires a barber shop, specialty shop, or barber

school to be separated from any business, other than a beauty salon, by a solid wall and have a separate entrance.

SECTION 6. Amends Sec. 2 of Art. 8407a, V.T.C.S.

Sec. 2. Adds "specialty shop" to the terms that unregistered persons are prohibited from using in a business.

SECTION 7. Amends Sec. 4 of Art. 8407a, V.T.C.S.

Sec. 4. Includes the practice of pedicuring in the definition of "barbering", "practicing barbering", or the "practice of barbering"; adds definitions for "manicurist specialty shop" and "wig specialty shop"; rennumbers subsections.

SECTION 8. Amends Sec. 6 of Art. 8407a, V.T.C.S.

Sec. 6. Exempts physicians, osteopaths, and registered nurses from this Act while operating within the scope of their respective licenses.

SECTION 9. Amends Sec. 7 of Art. 8407a, V.T.C.S.

Sec. 7. Changes the minimum age at which an applicant may be registered as a Class A barber from 16 1/2 to 16 years of age.

SECTION 10. Amends Sec. 9 of Art. 8407a, V.T.C.S.

(a) Sets forth required hours of instruction for a Class A barber, barber technician, wig instructor, wig specialist, manicurist, and teacher, and prohibits the board from approving any barber school or college which requires fewer hours.

(b) Sets forth required hours of instruction for refresher courses and requires the board, by rule, to set the course's curriculum.

(f) Requires classes conducted five days a week to devote one hour each day and classes conducted four days a week to devote one hour and fifteen minutes each day to theory instruction.

(g) Changes the requirements for a barber school supervisor to completion of 1,000 hours of instruction in a postgraduate course as a student teacher in a barber school.

(h) Entitles a licensed barber with five years experience, two years occurring immediately before application, to apply to take the teacher's certificate examination.

(i) Allows a barber school to enroll one student teacher for each licensed teacher; requires the student teacher to concentrate on teaching skills and provides that violation of this requirement constitutes a ground for revocation of the person's student teacher barber license.

SECTION 11. Amends Sec. 13 of Art. 8407a, V.T.C.S.

Sec. 13. Changes the provision regarding permits for journeyman barbers to require that a person be 16 years of age rather than 16 1/2.

SECTION 12. Amends Sec. 14 of Art. 8407a, V.T.C.S.

Sec. 14. Sets forth the requirements for a license as a barber technician.

SECTION 13. Amends Sec. 15 of Art. 8407a, V.T.C.S.

Sec. 15. Changes the term "manicurist license" to "manicurist specialty license".

SECTION 14. Amends Art. 8407a, V.T.C.S., by adding Sec. 15A.

(a) Prohibits operation of a manicurist specialty shop without a permit, and allows use of a temporary permit, except as provided by subsec. (b).

(b) Requires applications for a temporary permit within the third day of a shop opening; sets for the information to be included in an application.

(c) Requires the board to issue a permanent manicurist specialty shop permit to a licensed applicant whose shop meets the minimum health standards required by the Texas Department of Health and additional requirements imposed by board rule.

(d) Restricts operation of a manicurist specialty shop to licensed persons and restricts permit bearers to the practice of barbering as defined by subdiv. (6) or (7), Sec. 4(b) of the Act.

(e) Requires the permit to be displayed in the shop and provides that the permit is not transferable.

(f) Prohibits a person holding a license, permit, or certificate from the Texas Cosmetology Commission from practicing under that authority at a manicurist specialty shop regulated under this Act.

(g) Provides that a permit expires July 1 of each odd-numbered year and allows the holder to renew the permit by submitting an application and fee.

(h) Allows a permit holder to move the manicurist specialty shop with board approval.

SECTION 15. Amends Sec. 16 of Art. 8407a, V.T.C.S.

Sec. 16. Deletes current provision allowing persons licensed by the Texas Cosmetology Commission to receive a manicurist license by the board without examination.

SECTION 16. Amends Sec. 18 of Art. 8407a, V.T.C.S.

(a) Prohibits operation of a manicurist wig shop unless the person holds a manicurist specialty shop permit, and allows operation under a temporary permit.

(b) Requires submission of a temporary permit application within three days of a wig specialty shop opening.

(c) Sets forth permit requirements to be met by a wig specialty license holder.

(d) Restricts operation to license bearers and restricts permit bearers to the practice of barbering as defined by Sec. 4(b)(11) of the Act.

(e) Requires the permit to be displayed in the shop and provides that the permit is not transferable.

(f) Prohibits a person holding a license, permit, or certificate from the Texas Cosmetology Commission from practicing under that authority at a wig specialty shop regulated under this Act.

(g) Provides that a permit expires July 1 of each odd-numbered year, and allows renewal of the permit by submission of an application and fee.

(h) Allows a permit holder to move the wig specialty shop to a different location with board approval.

SECTION 17. Amends Sec. 18.1 of Art. 8407a, V.T.C.S.

Sec. 18.1. Changes the word "license" to "permit".

SECTION 18. Amends Sec. 20 of Art. 8407a, V.T.C.S.

(a) Provides that each certificate of registration or license issued under this Act expires two years from the date of issuance; requires each licensed party to renew the certificate or license by the expiration date; requires the board to issue a renewal certificate or license upon receipt of an application and fee.

(b) Allows a Class A barber or other licensee whose certificate has expired to have the certificate or license restored by applying to the board within 30 days and paying the renewal fee.

(c) Allows any barber or licensee whose certificate or license has been expired for less than five years to reinstate the certificate or license by making a proper showing to the board to justify reinstatement and by paying a fee equal to the amount of the original fee plus a delinquency fee of \$30 for each year or part of a year that the certificate or license has been expired.

(d) Allows any barber or licensee who retires and whose certificate or license has expired to qualify for a new certificate or license by applying to the board, paying an examination fee, passing an examination, and paying the original fee.

SECTION 19. Amends Sec. 20a of Art. 8407a, V.T.C.S.

Sec. 20a. Releases teachers, manicurists, and wig specialists serving active duty in the military from renewal requirements until discharge.

SECTION 20. Amends subsecs. (b) and (c), Sec. 23, Art. 8407a, V.T.C.S.

Sec. 23. Authorizes the board to set various fees within limits.

SECTION 21. Amends Sec. 24 of Art. 8407a, V.T.C.S.

Sec. 24. Changes the term "assistant barber" to "other licensee" and "instructors" to "student teachers".

SECTION 22. Amends Sec. 27a(a) of Art. 8407a, V.T.C.S.

Sec. 27a(a). Includes specialty shops as a business with which barber inspectors or board employees may not deal except to practice barbering.

SECTION 23. Amends Sec. 28(a) of Art. 8407a, V.T.C.S.

(a) Requires specialty shops to comply with Texas Board of Health regulations; authorizes the Board of Barber Examiners to inspect specialty shops.

SECTION 24. Amends Sec. 29 of Art. 8407a, V.T.C.S.

Sec. 29. Deletes the phrase "registered assistant barber".

SECTION 25. Amends Art. 8407a, V.T.C.S., by adding Sec. 29E.

Sec. 29E. Allows renewal of a barber shop, barber school, or specialty shop permit that has been expired for more than 30 days upon filing an application, paying the regular fee, paying a delinquency fee of \$30 for each year or part of a year since the expiration.

SECTION 26. Effective date: September 1, 1987; specifies application to licenses, certificates, or permits issued or renewed by the Board on or after September 1, 1987; provides that holders, on this Act's effective date, of a cosmetology license or manicurist license issued by the Texas Cosmetology Commission are entitled to a manicurist license issued by the Board upon application.

SECTION 27. Emergency clause.

RULEMAKING AUTHORITY

The State Board of Barber Examiners is granted rulemaking authority to set curriculum for refresher courses offered by barber schools and colleges (SEC. 10), requirements for manicurists specialty shops in addition to minimum health standards required by the Department of Health (SEC. 14), and requirements for wig specialty shops in addition to minimum health standards required by the Department of Health (SEC. 16).

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance to the rules and a public hearing held on May 11, 1987. Ms. Helen Spears, Board Member, and Ms. Jo King McCrorey, Executive Director, State Board of Barber Examiners, testified in support and as resource witnesses. The Committee then voted, by a vote of 6 ayes, 0 nays, with 3 absent, to report S.B. 849 to the House with the recommendation that it do pass.

Public Health Committee  
CV



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 6, 1987

TO: Honorable Brad Wright, Chair  
Committee on Public Health  
House of Representatives  
Austin, Texas

In Re: Senate Bill No. 849,  
as engrossed  
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 849, as engrossed (relating to the practice of barbering to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would require licenses for wig specialists, wig instructors and manicurists to be renewed every two years. Currently, such licenses are not subject to renewal. In addition, the bill would require licensure of specialty shops, subject to renewal every two years. Finally, the bill would authorize the State Board of Barber Examiners to charge a penalty fee on the renewal of delinquent licenses of \$30 for each year or portion of a year that the license has been expired.

Revenues would be deposited to the Barber Examiners Fund No. 40. The agency anticipates a decrease in revenue from penalty fees after 1988 due to a greater level of compliance with license renewal requirements. Estimated administrative costs to the agency reflect the printing and mailing of penalty fee notifications to all licensees, as well as the cost of updating the agency's current licensing system to include specialty licenses.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Administrative Cost to Barber Examiners Fund No. 40</u>	<u>Revenue Gain to Barber Examiners Fund No. 40</u>
1988	\$10,903	\$133,980
1989	-0-	85,000
1990	-0-	85,000
1991	-0-	85,000
1992	-0-	85,000

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners;  
LBB Staff: JO, HES, JWH, MW, LV

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 26, 1987

TO: Honorable O.H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 849  
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 849 (relating to the practice of barbering to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would require licenses for wig specialists, wig instructors and manicurists to be renewed every two years. Currently, such licenses are not subject to renewal. In addition, the bill would require licensure of specialty shops, subject to renewal every two years. Finally, the bill would authorize the State Board of Barber Examiners to charge a penalty fee on the renewal of delinquent licenses of \$30 for each year or portion of a year that the license has been expired.

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1992	-0-	85,000

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners;  
LBB Staff: JO, HES, JWH, MW, AF

8

MAR 27 10 13  
RECEIVED  
SECRETARY OF

S. B. No.

849

By

Munkand

AN ACT relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

3-11-87

Filed with the Secretary of the Senate

MAR 11 1987

Read and referred to Committee on ECONOMIC DEVELOPMENT

MAR 30 1987

Reported favorably

as amended

MAR 30 1987

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 30 1987

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ yeas, \_\_\_\_ nays

APR 30 1987

Read second time, amended, and ordered engrossed by:

unanimous consent

a viva voce vote

\_\_\_\_ yeas, \_\_\_\_ nays

APR 30 1987

Caption ordered amended to conform to the body of the bill.

APR 30 1987

Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 1 nays.

APR 30 1987

Read third time, \_\_\_\_\_, and passed by \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

BY A VIVA VOCE VOTE

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 30, 1987

Engrossed

MAY 4 1987

Sent to House

Engrossing Clerk

Patsy Saw

MAY 4 1987

Received from the Senate

MAY 5 1987

Read first time and referred to Committee on

Public Health

MAY 11 1987

Reported favorably amended, sent to Printer at

5:30pm

MAY 12 1987

Printed and Distributed

10:35 pm

MAY 12 1987

MAY 13 1987

Sent to Committee on Calendars

10:40am

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

\_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays